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CIRCULAR No. 600.

**SOLDIERS' AND SAILORS' CIVIL RELIEF ACT (PUBLIC NO. 103)—
INSTRUCTIONS.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 16, 1918.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Section 501 of the act of March 8, 1918 (Public No. 103), known as the Soldiers' and Sailors' Civil Relief Act, provides:

"That no right to any public lands initiated or acquired prior to entering military service by any person under the homestead laws, the desert-land laws, the mining-land laws, or any other laws of the United States, shall be forfeited or prejudiced by reason of his absence from such land, or of his failure to perform any work or make any improvements thereon, or to do any other act required by any such law during the period of such service. Nothing in this section contained shall be construed to deprive a person in military service or his heirs or devisees of any benefits to which he or they may be entitled under the act entitled 'An act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war,' approved July twenty-eighth, nineteen hundred and seventeen; the act entitled 'An act for the protection of desert-land entrymen who enter the military or naval service of the United States in time of war,' approved August seventh, nineteen hundred and seventeen; the act entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products,' approved August tenth, nineteen hundred and seventeen; the joint resolution 'To relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service,' approved July seventeenth, nineteen hundred and seventeen; or any other act or resolution of Congress: *Provided*, That nothing in this section contained shall be construed to limit or affect the right of a person in the military service to take any action during his term of service that may be authorized by law, or the regulations of the Interior Department thereunder, for the perfection, defense, or further assertion of rights initiated prior to the date of entering military service, and it shall be lawful for any person while in military service to make any affidavit or submit any proof that may be required by law, or the practice of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated prior to entering military service, before the officer in immediate command and holding a commission in the branch of the service in which the party is engaged, which affidavits shall be as binding in law and with like penalties as if taken before the register of the United States Land Office."

You will observe that the purpose of said section is generally to enlarge, but in no respect to limit, the benefits conferred upon persons in the military or naval service in connection with public-land claims by the acts and resolution therein mentioned, or any other act or resolution of Congress. No attempt will be made to issue detailed instructions to govern the many situations which will arise under the several public-land laws and this act, though it may be said that the general purpose of the act is to relieve claimants, under the conditions stated, from the penalty of forfeiture on the ground of their failure to do any act required by the law under which their claims are made during the period of their military service. The Department has already had occasion to hold that the act has effect to suspend payments by those in the military or naval service in connection with homestead entries for ceded Indian lands, and for lands within reclamation projects.

3. With respect to payments on homestead entries for ceded Indian lands, by the instructions of November 20, 1917 (Circular No. 574), you were advised that where a person entered land formerly embraced in an Indian reservation for which payment of a certain price per acre for the benefit of the Indians was required, and thereafter entered the military or naval service of the United States, the entry would not be canceled on account of the failure of the soldier or sailor to make payment of any amounts falling due during the term of his enlistment, but such entry would be held suspended, pending consideration by Congress of legislation designed to extend the time for such payments during the period of military service or the existing war. As said act of March 8, 1918, operates to grant such extension, no entries will be canceled upon the ground indicated until the expiration of six months after the end of the war and after the discharge of the entryman from the service, unless such discharge shall have occurred at an earlier date, in which case said six-month period will begin to run from the time of his discharge.

4. In cases where the entryman has filed notice of his entrance into the military or naval service, as permitted by paragraph 8 of the circular of instructions of August 22, 1917, issued under the act of July 28, 1917, you will nevertheless call upon him for the payment when due, but will in your notice inform him that he is entitled to the benefits of said act of March 8, 1918, and need not make such payment while in the service unless he wishes to do so. In all cases where there is response by him or on his behalf that he has entered the military or naval service you will forward the papers to this office with your report.

5. The same procedure should be followed in connection with payments required under other classes of entries.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CIRCULAR No. 602.

*Absolute
See Circ. 1843*

**REGULATIONS GOVERNING RELIEF OF DESERT-LAND
ENTRYMEN UNDER ACT OF MARCH 4, 1915 (38 STAT.,
1161), AS AMENDED BY THE ACT OF MARCH 21, 1918
(PUBLIC NO. 108).**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 22, 1918.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Under the provisions of the act of March 21, 1918 (Public No. 108), a copy of which is appended, the relief provided for in the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat., 1161), is extended to lawful desert-land entries initiated prior to March 4, 1915, provided they were pending on March 21, 1918; and as to assigned entries made prior to March 4, 1915, relief is authorized where the transfer was made prior to March 21, 1918.

Except as herein modified the regulations set forth in paragraphs 34 to 51 of Circular No. 474 (45 L. D., 345) will be observed in acting on application for relief presented pursuant to this legislation.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

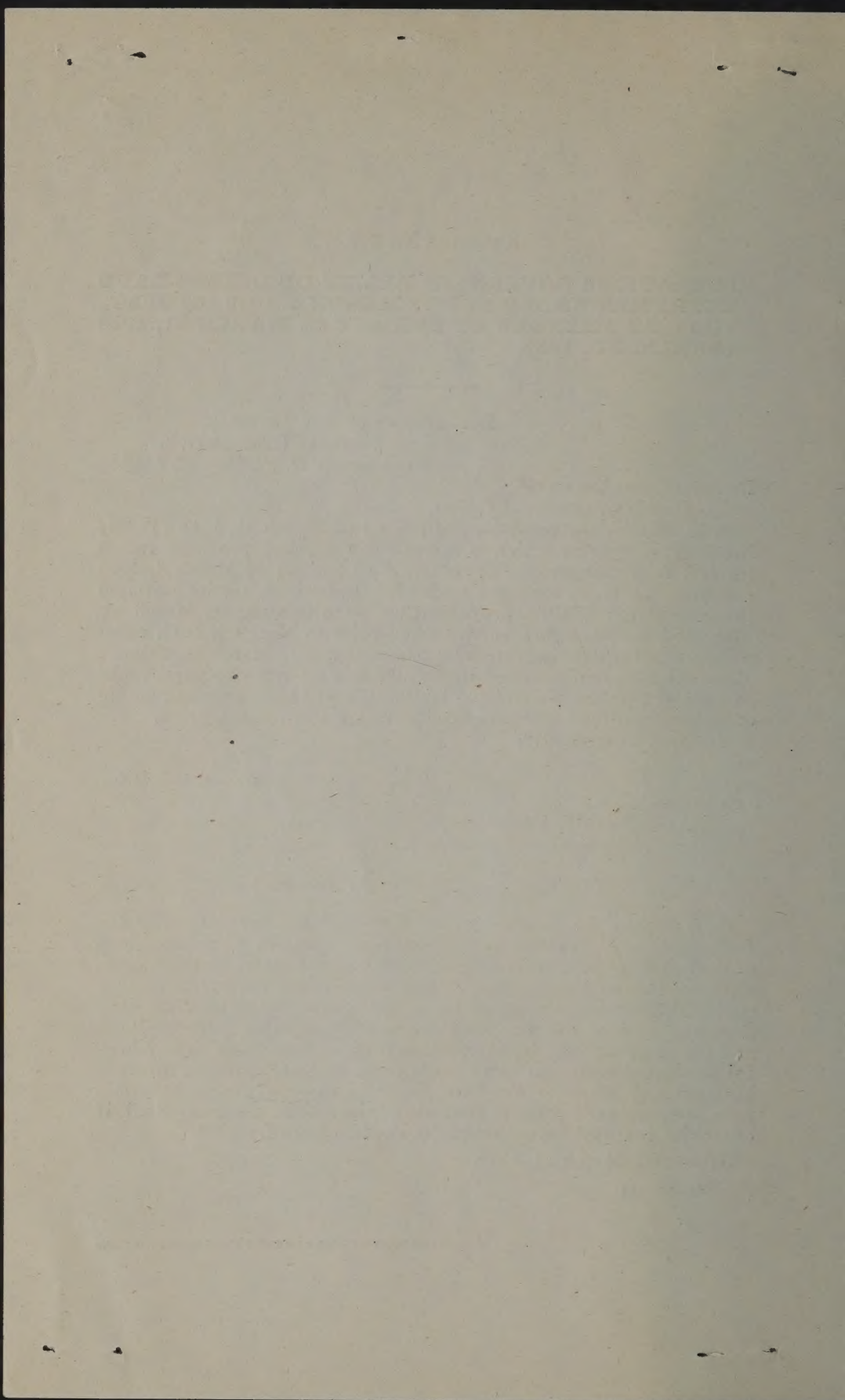
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(PUBLIC—No. 108—65TH CONGRESS.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the last three paragraphs of section five of the act of March fourth, nineteen hundred and fifteen, "An act making appropriations to supply deficiencies in appropriations for the fiscal year nineteen hundred and fifteen, and for prior years, and for other purposes," be, and the same are hereby, extended and made applicable to any lawful pending desert-land entry made prior to March fourth, nineteen hundred and fifteen: Provided, That in cases where such entries have been assigned prior to the date of the act the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

Approved, March 21, 1918.

64593°—18



In reply please refer to Circular No. 610.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 6, 1918.

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT

Date JUL 22 1918

Hour 9 am

RETURNS : Changes in method of
: preparing and trans-
: mitting monthly returns.

Registers and Receivers,

United States Land Offices.

Sirs:

Pending revision of Circular 105 you are instructed to observe the following additions and changes in the method of preparing and transmitting your returns, effective on and after July 1, 1918:

Record ribbons to be used.

Record ribbons should always be used when preparing schedules and abstracts relating to your returns and accounts.

Relinquishments.

Whenever a relinquishment is filed on any other form except the relinquishment blank (Form 4-621), the register will immediately attach such instrument to the regular blank form either by staples or paste; preferably the latter, in order to enable persons handling same to readily recognize nature of the paper.

Dates moneys are applied to be noted on papers.

Excepting only the initial and any installment payments which may be shown on final certificates, you will indicate on all applications, selections, etc., and final certificates, immediately beneath or following the receipt number, or numbers, shown thereon, date the amounts represented by them were applied. Such notations may be made either by pencil or band dater.

Packages of returns to be numbered.

Where the returns consists of more than one package, the register will note on each package the number of packages transmitted and the number of each particular package, as, "5 packages, No. 2." Such information will enable this office to determine without examining the returns when same have been received complete. The name of the local office should, of course, be shown on all envelopes and packages forwarded.

1. Introduction

2. Methodology

3. Results and Discussion

4. Conclusion

5. References

6. Appendix

7. Acknowledgments

8. Author's Note

9. Contact Information

10. Disclaimer

11. Glossary

12. Index

13. Bibliography

14. Appendix A

15. Appendix B

SCHEDULE OF ALLOWANCES.

Acts not to be noted in "Remarks" Column.

Notations of acts must not be made in the "Remarks" Column of the Schedule of Allowances, but the column "Kind of Application, Declaration, Entry, etc., and Act under which Authorized," will be used for all such notations.

Use of ditto marks.

Do not use ditto marks in the column "Kind of Application, etc.," of the above schedule, unless the acts are all identical.

Area and amount.

Area and amount involved must in each instance be shown in the respective columns provided therefor, except entries perfected by residence under the desert land relief act of March 4, 1915, and timber and stone applications reported same month with final entry. Circular 471 directs the proper manner of reporting entries completed in the manner required of a homestead entryman.

Timber and stone applications.

Timber and stone applications will be reported the month the final proof is submitted and under date the fee is applied; where final certificate issues same month the fee is earned do not report area in connection with the application.

Amendments.

Upon the amendment of an entry by this office, where additional fee and commission, or commissions, are required, the amended entry must be reported on this schedule under date such money is applied, designated by kind and act or acts of Congress involved.

All moneys earned to be reported -- exceptions.

All moneys earned in connection with the allowance of an application, entry, etc., except excess purchase money and cancellation fees in the case of originals, and interest payments and testimony fees in connection with finals, must be shown on this schedule.

Very respectfully,

CLAY TALIMAN,

Commissioner.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

TO: [Name]
FROM: [Name]
SUBJECT: [Subject]

1. [Text]
2. [Text]
3. [Text]
4. [Text]
5. [Text]

6. [Text]
7. [Text]
8. [Text]
9. [Text]
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16. [Text]
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18. [Text]
19. [Text]
20. [Text]

21. [Text]
22. [Text]
23. [Text]
24. [Text]
25. [Text]

Very truly yours,
[Signature]

[Name]
[Title]

[Address]
[City, State, ZIP]

Enclosure

Circular No. 613.

FOREST SUPERVISOR'S REPORT

DEPARTMENT OF THE INTERIOR

General Land Office,

Washington, D. C. August 12, 1918.

To Registers and Receivers:

The Acting Forester, Department of Agriculture, under date of June 14, 1918, makes the following statement in a letter addressed to the Commissioner of the General Land Office:

"It is noted that in a good many instances the local land offices failed to forward to your office copy of the letters received from the Forest Service stating that no objection will be made to certain entries going to patent. May I suggest that a circular letter to local land offices calling attention to the desirability of these letters being forwarded to you might result in saving unnecessary correspondence?"

Your attention is called to the instructions contained in Circular No. 435 of September 4, 1915, "Lands within National Forests--Practice--Joint Regulations". Paragraphs 1, 2, and 3 of said circular contain instructions regarding the sending of notices of intention to make final proof in forest homestead cases to the forest supervisor, and the procedure to be followed by that officer in such cases.

Examination of final proofs in forest homestead claims, upon reaching this office, discloses the fact that in many instances no report from the forest supervisor accompanies the final proof papers. In some instances it has developed that no notice of intention was sent to the forest supervisor by the local land office; in other cases, as stated by the Acting Forester, the local officers failed to inclose the forest supervisor's report when sending in the final proof papers.

The omission by the local land officers of compliance with the above requirements of Circular No. 435 has resulted in considerable unnecessary correspondence between this office and the local offices and with the Forest Service, and has caused vexatious and costly delays to entrymen.

You are requested, in the interest of good administration, to give your especial attention to the matter contained herein, in order that delays may hereafter be avoided because of failure to obtain the requisite report from the forest supervisors in cases of final proofs on forest homestead entries.

Very respectfully,

CLAY TALLMAN,

Commissioner.

CIRCULAR No. 616

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

INSTRUCTIONS

REGARDING

Methods of Keeping Records and Accounts
Relating to the Public Lands

APPROVED AUGUST 9, 1918



WASHINGTON
GOVERNMENT PRINTING OFFICE
1918



CIRCULAR No. 616

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

INSTRUCTIONS

REGARDING

Methods of Keeping Records and Accounts
Relating to the Public Lands

APPROVED AUGUST 9, 1918



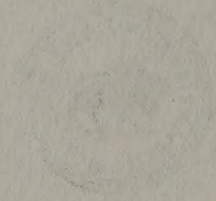
WASHINGTON
GOVERNMENT PRINTING OFFICE
1918

THE SECRETARY OF THE
TREASURY
WASHINGTON, D. C.

DEPARTMENT OF THE TREASURY

Statement of Receipts and Disbursements
for the Year 1900

RECEIPTS



THE SECRETARY OF THE
TREASURY

LETTER OF SUBMITTAL.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 9, 1918.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I submit herewith a complete revision, prepared by our Accounts Division, of the General Land Office circular relating to the method of keeping records and accounts of transactions affecting the public lands. The revision is in harmony with existing law, Comptroller's Decisions, and current departmental and General Land Office regulations; it covers the necessary detailed instructions and information relative to records and accounts for the use of all officers and employees of this bureau. I have the honor to recommend that same receive your approval.

Respectfully,

CLAY TALLMAN, *Commissioner.*

Approved August 9, 1918.

FRANKLIN K. LANE,
Secretary of the Interior.

LETTER OF SUBMITTAL

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON, August 2, 1918.

The honorable the Secretary of the Interior,
Sir: I submit herewith a complete revision prepared by our
Accounts Division of the General Land Office circular relating to
the method of keeping records and accounts of transactions affecting
the public lands. The revision is in harmony with existing law,
Comptroller's decisions and current departmental and General Land
Office regulations; it covers the necessary detailed instructions and
information relative to records and accounts for the use of all off-
ices and employees of this bureau. I have the honor to recommend
that same receive your approval.
Respectfully,

CLAY TAYLOR, Commissioner.

Approved August 2, 1918.

HARRISON K. LANE,
Secretary of the Interior.

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METHODS OF KEEPING RECORDS AND ACCOUNTS RELATING TO THE PUBLIC LANDS.

RETURNS.

GENERAL INSTRUCTIONS.

1. The following instructions will take effect on and after January 1, 1919.

2. All orders, circulars, and instructions in conflict herewith are hereby canceled and revoked.

SERIAL NUMBERS.

3. *Use only one series.*—Each office will maintain but one series of numbers, and all kinds of applications, entries, selections, locations, etc., for the use, segregation, purchase, or disposition of a part of the public domain, will be numbered with this one series, such numbers to be preceded by 0. The "0" is used to prevent conflict with any number of the various series in use prior to July 1, 1908.

4. *When to be used.*—Each declaration, application, or other initial paper required in any entry, sale of land, selection, location, etc., will be numbered AT THE TIME AND IN THE ORDER in which it is presented or received at the district land office, without regard to whether it is subsequently allowed or rejected, as required by circular of June 10, 1908.

5. *Merely for identification.*—The giving of a serial number to an application, entry, selection, location, etc., does not mean that same is allowed or approved, or will be allowed or approved. It is merely an identification number of the case, as it were, by which it will always in the future be identified.

6. Fractional serial numbers are not to be used.

7. *All subsequent papers bear same number.*—After the initial declaration, application, or other paper required in any entry, sale of land, selection, location, etc., is once numbered, all subsequent papers filed or issued in connection therewith must bear the same number as is given the initial paper.

8. *Where no money is tendered.*—Applications, declarations, etc., which are not accompanied by the proper remittances in form or in amount required by law or regulations to be tendered at the same time they are filed will be assigned current serial numbers. You

should note such applications, etc., on the "Serial Number Register," hereinafter referred to. Where no money is tendered, the application etc., will be rejected. On such rejection, the applicant, of course, has the right of appeal within 30 days, under the "Rules of Practice," merely against rejection of the application, however, for the reason that no money was received therewith, unless, of course, there are additional causes for rejection at the time the application is received by you. You will not in such cases, pending the receipt of the money, segregate the land, as the law and regulations are specific in that the money must be tendered with the application, and if it is not transmitted the applicant acquires no rights under the application until the money is tendered. If the applicant should transmit the money, and the land has not in the meantime been segregated, the application should retain the same serial number as was given it at the time of filing, and action thereon may be taken in accordance with the regulations. A new application need not be filed, but it must be plainly noted in the upper left-hand corner of the application that it was received without the money, and that the money was subsequently tendered. The exact time and date of the tender of the money should also be noted on the application. In the remarks column of the general "Schedule of Serial Numbers," requires under paragraph 40, opposite report of the serial number of the application, you must note "No money." However, if the money is tendered before the returns for the month in which the application is filed are transmitted, the notation "No money" need not be made on the general schedule, but the number of the receipt which issued for the money will be noted in the receipt number column of said schedule. Where any form of remittance other than those specified in paragraph 72 hereof is tendered or where an insufficient amount is tendered in any form, you will merely suspend the application, etc., and allow the party 30 days in which to tender the required amount. You will not issue receipts for remittances tendered in any form other than those mentioned in paragraph 72 hereof.

9. *S. D. S. and application take same number.*—Where a soldier's declaratory statement has been filed, a homestead application by the same applicant, or his widow or heirs, for the same land or any part thereof, must take the same serial number as given to the declaratory statement, without regard to whether it is subsequently allowed or rejected.

ADVERSE MINERAL CLAIMS.

10. *Numbering and noting on general schedule.*—An adverse mineral claim must be given current number when filed, and not the same serial number as assigned to the mineral application involved. On the general Schedule of Serial Numbers, opposite report of the

separate number assigned to an adverse claim, always note in the remarks column "Adv. to (giving serial number of the mineral application involved)." Such notation must also appear, under the separate number involved, on each paper pertaining to an adverse claim. If the mineral application involved is filed during the same month as the adverse claim, note "See Adv. (giving serial number)" in the remarks column, opposite report of the serial number of the mineral application.

MINERAL APPLICATIONS.

11. *General Land Office to be notified.*—Immediately upon filing and acting upon a mineral application, you will notify the General Land Office on Form 4-024b, and immediately upon the filing of an adverse claim against a mineral application, you will notify the General Land Office on Form 4-024a.

12. *To be forwarded with monthly returns.*—Mineral applications against which no adverse claims are filed within the statutory period of publication will be forwarded to the General Land Office with your monthly returns for the month in which such publication ended.

13. *Must be held certain period.*—Mineral applications against which adverse claims are filed within the statutory period will be held until the expiration of the period of publication, and for 30 days after the last adverse claim is filed, and then forwarded to the General Land Office, together with the adverse papers, with your first monthly returns thereafter.

ASSIGNMENTS.

14. *How to number and note on general schedule.*—If all the land embraced in a desert-land or a reclamation homestead entry is assigned, the serial number of the entry will not be changed. If a part of the land is assigned, the first paper filed in connection with the partial assignment will be given current number. After a partial assignment, if the remainder of the original entry is assigned, the first paper filed in connection with the assignment of the remainder of the original entry will take the same number as given to the original entry, and not a separate number, because such assignment would be a total assignment of all the land that remained in the original entry. When reporting on the general schedule of serial numbers the separate number given to a partial assignment of a desert-land or reclamation homestead entry, always note in the remarks column "Par. assmnt. (giving serial number of the original entry)." Such notation must also appear, under the separate serial number involved, on all application and entry papers pertaining to a partial assignment.

ISOLATED TRACTS.

15. *How to number applications and sales, etc.*—An application for sale of isolated tract is, of course, to be given current serial number when filed. Should the land involved, or part thereof, be purchased by the original applicant, the final papers which issue in connection therewith should take the same number as the original application. Should the land, or part thereof, be purchased by a bidder other than the applicant, the final papers which issue to him should be given current serial number, and not the same number as the original application, but there should be noted on each certificate which issues under the original application to any other person than the original applicant, in the upper right-hand corner, under the separate serial number assigned to such final papers, "Sold under (giving serial number of the original application)." This reference must also be shown in the remarks column of the general Schedule of Serial Numbers, opposite report of the separate number assigned to such final papers, in the remarks column of the classified "Schedule of Final Certificates Issued," required under paragraph 44, and upon the receipt which issues to such purchaser.

16. *Numbering additional and second entries.*—Applications to make additional and second homestead entries must be given current numbers, and not the same serial numbers given to the applications for the original entries.

SOLDIERS' ADDITIONAL HOMESTEAD APPLICATIONS.

17. *Numbering and action to be taken.*—Where an application to locate soldiers' additional rights under sections 2306 and 2307, Revised Statutes, is held for rejection by the General Land Office, and the applicant accepts the holding and files a substitute soldier's additional right, such substitute right should be accompanied by a formal application (Form 4-008a) duly executed. As the substitution amounts to a waiver of all rights under the rejected application, the substituted right should be given a new serial number. Publication and posting must be made as required by the circular of February 21, 1908 (36 L. D., 278), and a copy of the notice of publication must be forwarded to the Chief of Field Division for his indorsement in accordance with the circular of April 24, 1907 (35 L. D., 681), except in Alaska, where publication and posting must be made in accordance with section 10, act of May 14, 1898 (30 Stat., 409), and instructions of January 13, 1904 (32 L. D., 424-38-42), and Circular No. 197 (41 L. D., 356). The above covers cases in which the entire right has been held to be invalid, and has no bearing whatever on the so-called "combination" cases. Where a part of a combination

of rights is held to be invalid and new rights substituted therefor, a formal application (Form 4-008a) should not be filed, and a new serial number should not be assigned. Applications to locate soldiers' additional rights, whether certified or uncertified, must in no instance be considered by registers and receivers for allowance, but must be transmitted with the returns for the month in which filed. Publication and posting should be started within 20 days from the date of filing, and when completed should be transmitted by separate letter and not with the monthly returns. The register must date and sign his certificate to such applications. In every case the applicant must be designated as assignee of the soldier, or soldiers, and care observed to give the soldier's full name. Fees and commissions in connection with soldiers' additional applications are not required to be tendered at the time of filing. If tendered the receiver must, of course, issue receipts therefor.

No such application should be received by the district officers unless accompanied by evidence of the right, or by a reference to the case by land office serial number and description of the land, containing such evidence.

CAREY ACT.

18. *How to number and act upon applications filed.*—Each application under the Carey Act must be given a separate serial number, notwithstanding that the same tracts may successively be included in the three kinds of such applications, viz: 1. An application for temporary withdrawal. 2. A segregation list. 3. A list for patent. All three classes must be transmitted by separate letters during the month, and not with the monthly returns. A list for patent shall be transmitted as soon as noted on the local records without holding for publication and without reference to the Chief of Field Division. When reporting applications under the Carey Act on the general Schedule of Serial Numbers, always distinguish between applications for temporary withdrawal, segregation lists, and lists for patent, and note the dates of transmittal in the remarks column. All subsequent papers filed in any Carey Act case will be transmitted special without holding for the monthly returns.

19. *Applications under act of August 11, 1916.*—An application filed by an irrigation district under the act of August 11, 1916 (39 Stat., 506), will be given a separate serial number and will be transmitted by separate letter during the month, and not with the monthly returns and in the general Schedule of Serial Numbers the date of transmittal will be noted in the remarks column. All subsequent papers filed will be transmitted special without holding for the monthly returns.

RIGHTS OF WAY.

20. *How to number.*—Each railway map or plat for right of way, whether for a portion of the line of road or for station grounds, must be assigned a separate serial number. An amended map must also be given a separate number and not the same number assigned to the original right-of-way application to which it is an amendment.

21. *Must be forwarded special.*—Upon the filing of an application for right of way on or over the public lands the local officers will not hold such application for transmittal with the monthly returns, but at once make proper notations upon their records and transmit it to the General Land Office by special letter.

RESERVOIR SITES AND CANAL LOCATIONS.

22. *How to number.*—Each application for reservoir site or canal location must be given a separate serial number. An application for an amended reservoir site or an amended canal location should be given the same number as the original application, for the reason that such application is generally based on the same water-right and other data, which accompanies the original application and is filed therewith. In this connection it should be noted that a right-of-way application for the irrigation system for a project under the Carey Act or of an irrigation district, must be given a separate serial number and not the same number given to the application under the Carey Act or the act of August 11, 1916.

AMENDED ENTRIES AND SELECTIONS.

23. *Retain original numbers.*—Applications to amend entries and selections will take the same serial numbers as given the original entries or selections.

RAILROAD AND STATE SELECTIONS.

24. *Do not hold when publication is required.*—All railroad and State selection lists in which publication is required should not be retained in the local office pending publication, but should be forwarded with the returns at the end of the month when filed and accepted; the publication, when received, to be transmitted by special letter.

25. *When to number pending applications, etc., made prior to July 1, 1908.*—Any declaratory statements, applications, selections, entries, etc., made before July 1, 1908, and which may be still pending, if not given serial numbers, will retain the numbers given them under the system of numbering in use prior to July 1, 1908, UNTIL the first letter, paper, or action of any kind or character is received or taken by

you in connection therewith, when you will IMMEDIATELY give the case, as it were, a current serial number. When reporting the serial number on the general Schedule of Serial Numbers assigned to an application, entry, etc., which bore a number under the system of numbering in use prior to July 1, 1908, always refer to such old number in the remarks column.

REPAYMENT APPLICATIONS.

26. *Filed in connection with entries, etc., made prior to July 1, 1908.*—If an application for repayment should be filed in connection with an application, entry, etc., made before July 1, 1908, which has not been given a serial number, or you receive any letter from this office or elsewhere, or take action of any kind or character in connection with such application for repayment, you should assign current serial number to the application or entry involved. When reporting the serial number on the general Schedule of Serial Numbers, always refer in the remarks column to the number, if any, involved under the system of numbering in use prior to July 1, 1908.

REINSTATED AND AMENDED ENTRIES.

27. *Canceled and patented under system used prior to July 1, 1908.*—Should an application to reinstate a canceled entry or to amend a patented entry be filed, and the entry involved has not been given a new serial number, but was canceled or patented under the series of numbering in use prior to July 1, 1908, current number should be assigned thereto. Observe care to refer in the remarks column of the general schedule to the old number involved.

NEW SERIAL NUMBERS.

28. *Notations to be made on records.*—When giving an application, entry, proof, etc., which was made prior to July 1, 1908, a new serial number, make notation, on the proper record book which was kept prior to July 1, 1908, of the new serial number given it. It is advisable to make similar notation of the new serial number on the tract books at the same time it is made on the old numerical record, such as the homestead, desert land, and cash registers. It is not necessary to copy the entire old record in the Serial Number Register, but the kind, name and address, description of the land, and all future notations (except a contest record) in regard thereto must be entered in the Serial Number Register. Such notations as are required to be made in the tract books will continue to be made there, as well as in the serial number register. All that is necessary to note on the old record books is the new serial number, as "0567," the "0" signifying

that it is the new number. The date it is given that number is determined from the Serial Number Register, which bears the date of the first notation made under the new number.

OLD AND NEW NUMBERS.

29. *To be shown in all notices in connection with entries, etc., made prior to July 1, 1908.*—In all notices to be served, posted, or published in connection with applications, entries, etc., made prior to July 1, 1908, you must include both the old and the new numbers, as follows: "Homestead entry, No. 4137 (serial No. 056)." All notices served, posted, or published, and all notations made in connection with any declaration, application, entry, proof, etc., filed or initiated on July 1, 1908, or thereafter, will of course refer to only the new serial number which was given the initial paper, as that will be the only number given it for identification. In all notices to be served, posted, or published, the KIND of application, entry, etc., must also appear. In all correspondence with the General Land Office, AFTER the serial numbers have been reported each month, it will be sufficient to identify the case by giving the serial number only. This MUST always be given.

SERIAL NUMBERS NOT TO BE ASSIGNED.

30. *To transcripts of records, or plats.*—Requests for transcripts of records, or plats, will not be given serial numbers, because they are not applications or papers applying for the use, segregation, purchase, or disposition of a part of the public domain.

31. *To notices of restoration and applications for survey.*—Notices of restoration of lands to entry and applications for survey of lands must not be assigned serial numbers. Applications to enter such lands, when filed, will of course be given separate serial numbers.

CONTESTS.

32. *Not to be given serial numbers.*—Contests must not be given serial numbers. A series of numbers for contests arising in district land offices will be maintained, entirely distinct from the series used for applications, entries, etc., and said contest numbers will not be preceded by "0." The records of contests will be kept in the "Contest Docket" (Form 4-051a). Reference must be made in the contest docket to the serial numbers of the applications or entries involved. Notation should also be made in the Serial Number Register of the initiation and close of a contest, as follows:

July 1, 1912, contest affidavit filed. (See Contest Docket, p. 261.) December 4, 1912, contest closed.

33. *Which papers to be forwarded with returns.*—The only papers pertaining to contests which should be transmitted with the monthly returns are those relating to cases which have abated, been dismissed for want of prosecution (after the time allowed for reinstatement), or withdrawn prior to hearing. Attached to such papers should be a short report which readily reveals the status of the case to which the papers relate. The records of cases in which decisions have been rendered should be transmitted by separate letters, using Form 4-330. If, after the record is transmitted a relinquishment of the entry is filed, such relinquishment should be immediately transmitted by separate letter, entitled as of the case, and report made as to the disposition, if any, of the land. If a waiver of contestant's preference right is filed with the relinquishment, such waiver should be forwarded therewith. The serial number of the relinquishment must be reported on the classified "Schedule of relinquishments," required under paragraph 44, for the month transmitted, with date of transmittal in the remarks column. Rejected contest affidavits, if appealed, should be transmitted by special letters and the serial numbers thereof reported on the classified "Schedule of rejected and closed cases," required under paragraph 44, for the month when transmitted, with dates of transmittal in the remarks column.

SERIAL NUMBER REGISTER.

34. *Complete record required.*—A record, in consecutive, numerical order of all declarations, applications, entries, purchases of land, selections, locations, etc., will be kept in the Serial Number Register (Form 4-051); and all notations in regard thereto, except a contest record thereof, will be made in the Serial Number Register under the proper number. Such notations as are required to be made in the tract books will continue to be made there, as well as in the Serial Number Register. When application or entry papers are transmitted to the General Land Office, such fact must be noted in the Serial Number Register, each notation showing the date of transmittal and whether with the monthly returns or by special letter.

35. *Notations to be made therein.*—Notations of all letters received from, or written to the General Land Office or elsewhere, all papers filed or issued, and all actions taken (except in a contest record), which relate in any manner to an application, entry, selection, proof, etc., will be made in the Serial Number Register under the number given to the application, proof, etc., to which it relates. This notation should always include the date, and be as brief as possible—merely sufficient to identify the letter, paper, or action.

ALPHABETICAL INDEX.

36. The alphabetical index will be a card index. A separate card must be made for each person and must contain the name and address and the number and kind of the application, entry, etc., as follows:

Crawford, Samuel H.,
148 Pine Street,
The Dalles, Oregon.

05 Hd.

37. *Same card for all entries, etc., by same person.*—The same card should be used to note the number and kind of all applications, entries, etc., made by the same person, as follows:

Crawford, Samuel H.,
148 Pine Street,
The Dalles, Oregon.

05 Hd.

0467 T. and S.

38. *When to be made where papers were filed prior to July 1, 1908.*—Cards will be made for all applicants, entrymen, purchasers, selectors, etc., whose papers were filed prior to July 1, 1908, when their cases are given new serial numbers. The alphabetical index must be kept from day to day and the cards properly filed each day.

RECORD RIBBONS.

39. Record ribbons should always be used when preparing schedules and abstracts herein required.

GENERAL SCHEDULE.

40. *How to prepare.*—Registers will submit, in duplicate, with monthly returns (no Form 4-115) a General Schedule of Serial Numbers, listing in numerical order all numbers assigned during the month shown at the top of such schedule, without regard to whether the application and entry papers involved are forwarded to the General Land Office. When applications, etc., are necessarily held, proper notation should be made in the remarks column, as "Suspended, held;" "Rejected, held;" etc. If transmitted with the returns for the month for which the schedule is rendered notation of such transmittal must not be made. The date of filing in each instance must be shown in the first column.

41. *How to report additional homesteads.*—When reporting the serial number of an application for additional homestead entry on the General Schedule of Serial Numbers, always refer in the remarks column to the serial number of the original entry involved, as "See orig. (giving number)."

SCHEDULE OF ALLOWANCES.

42. *How to prepare.*—Registers will also submit, with the returns each month, a "Schedule of Allowances" (form 4-115d), reporting in numerical order and without regard to class all applications, declarations, selections, locations, original and final entries, etc., which are allowed, and private and public sales held, upon which final certificates have issued during the month shown at the top of the schedule. In the first column note the day of allowance of each application, declaration, original entry, etc., or issuance of final certificate in connection with each entry or sale. The second column is for the report of serial numbers. The Receipt Number column must show the numbers of all receipts issued in connection with the allowance of each application, etc. Where yearly installments are required and separate receipts issue for such payments, do not report the numbers of the receipts or the amounts involved. In the column "Kind of application, etc.," always show class of each application, etc., and the date or dates of acts of Congress under which authorized. *Do not use ditto marks in this column.* Use more than one line if necessary. Use the "Remarks" column only for letter references, explanatory remarks, cross references for originals and additional, etc. Do not use this column for notation of acts. Distinguish between original, additional, stock-raising, commuted, and final homestead entries; original, second, and final desert-land entries, etc., and between indemnity school land selections and selections in satisfaction of grants in quantity for specific purposes (normal schools, etc.). Area and amount involved must in each instance be shown in the respective columns provided therefor, except entries perfected by residence under the desert-land relief act of March 4, 1915, and timber and stone applications reported same month with the final entry. Circular 471 directs the proper manner of reporting entries completed in the manner required of a homestead entryman. Timber and stone applications will be reported month the final proof is submitted and under date fee is applied. In all such cases where final certificates issue same month the \$10 fee is earned, do not report area in connection with the applications. Soldiers' additional homestead applications should not be reported on this schedule. Upon issuance of final certificate in connection with applications of this character report thereof, designated as "Sol. addl. (final)," should appear on the schedule, showing area, and in one item the total of the fee, original and final commissions. Do not report final or commuted proofs or sales hereon unless final certificates issue in connection therewith, or applications, etc., unless allowed during the month. In other words, this schedule must include all applications, adverse mineral claims, declarations, entries,

etc., allowed during the month, whether the papers pertaining thereto are held in the district land office, transmitted with the returns for the month, or have been forwarded by special letters. All application and entry papers must be transmitted with the monthly returns, unless specific authorization is given to forward special. When transmitted by special letters (such as Carey Act segregation lists), report thereof should, of course, be made, with the necessary data as to dates of allowance, etc., and dates of special transmittal. Upon the amendment of an entry by this office, where additional fee and commissions, or commissions, are required, the amended entry must be reported on this schedule under date such money is applied, designated by kind and act or acts of Congress involved. If additional area is also involved the same must be shown. The totals of amended entries, segregated by kind and act or acts must be shown in separate items of the "Summary." Additional payments required by this office must also be shown on this schedule, designated as "Addl. payt." showing kind of entry, act or acts involved and additional area, if any, etc., as above directed for amended entries. In each instance when reporting amended entries and additional payments, show only the area affected by amendment or involved in the additional payment. At the bottom of this schedule there must appear a summary showing the total of each class of applications, entries, etc., allowed during the month, together with the area and amount involved. The body of this schedule must be totaled as to number of applications, entries, etc., area and amount. The items in the "Summary" must also be totaled as to number, area and amount, which totals must of course agree with the grand totals of the items reported in the body of the schedule.

All moneys earned in connection with the allowance of an application, entry, etc., except excess purchase money and cancellation fees in the case of originals, and interest payments and testimony fees in connection with finals, must be shown on this schedule. Purchase money must always be listed separately from fees and commissions.

43. Clerks who prepare schedules of serial numbers and schedules of allowances must place their initials in the upper left-hand corner thereof.

CLASSIFIED SCHEDULES.

44. Separate classified schedules of serial numbers are required, in duplicate, covering in numerical order the following classes of papers:

(a) Rejected applications, proofs, etc. (on Form 4-115), which are appealed or unappealed; withdrawn or otherwise closed applications, etc.; notices of intention to make proof where proof is not

made within the time prescribed; withdrawn and closed contest cases, etc. When a withdrawn application, etc., and withdrawal thereof are transmitted during the same month, such papers should be assembled together, and notation made in the remarks column "Withdrawn." If a withdrawal alone is transmitted, the application, etc., involved having been previously forwarded, observe care to note "withdrawal" in the remarks column when reporting such withdrawal on the schedule. That is, the column Kind of Application or Entry must show the kind, and the Remarks Column must specifically show the status of the paper transmitted.

(b) Desert-land yearly proofs (on Form 4-115). Distinguish between first, second, and third year.

(c) Applications for sale of isolated tracts, showing names of applicants (on Form 4-115). If an application is not returned by the Chief of Field Division in time to be forwarded with the returns for the month during which filed, note "To C. F. D. (giving date)" in the Remarks Column of the general Schedule of Serial Numbers and forward a report on Form 4-030 with your returns for that month, observing care to show all the information called for by the form.

(d) Relinquishments (on Form 4-115) including, in numerical order, all classes of applications, entries, etc., on the same schedule showing names of entrymen in the remarks column. Partial relinquishments must be so designated. Should a withdrawal in the form of a relinquishment be filed in connection with an application, etc., which has not been allowed, notation must be made upon the paper that the same is intended as a withdrawal. Withdrawals must not be included hereon, but reported on the classified schedule of Rejected and Closed Cases (a).

(e) Indian allotment applications, fourth section, act February 8, 1887 (24 Stat., 388), as amended (on Form 4-115).

(f) Right-of-way applications (on Form 4-115), showing names of corporations or individual applicants and dates of special transmittal.

(g) Applications to amend entries (on Form 4-115).

(h) Proofs protested by Forest Service and Chief of Field Division (on Form 4-115). In the remarks column distinguish between protests by forest and field service.

(i) Final certificates issued (on Form 4-115) including, in numerical order, all classes of entries, on the same schedule.

45. *Proper dates to be shown in first columns.*—The date shown in the first column of the above classified schedules of serial numbers, required under paragraph 44, except (i) must, in each instance, be the date the paper reported thereon was filed in the district land office. The date in the first column of (i) to be the date of issuance of the certificate. Observe care to show in the first column of (a)

date of the last action taken or paper filed; also instructions contained in paragraph 47 when preparing this schedule.

46. *Papers to be reported.*—Items must not be reported on the above classified schedules of serial numbers, required under paragraph 44, unless the papers pertaining thereto are transmitted with the monthly returns, or have been forwarded special during the month. When transmitted special the date of transmittal must always be noted in the remarks column.

47. *Rejected applications, etc., should in certain instances be reported on more than one schedule.*—Whenever a rejected application, etc., is transmitted for which a separate classified schedule of serial numbers is required always report such application on the separate schedule provided therefor, with notation "Rejected," as well as on the classified schedule of rejected and closed cases; that is, a rejected application for sale of isolated tract, when transmitted, must be reported on the classified schedule of applications for sale of isolated tracts, and on the classified schedule of rejected and closed cases, etc.

48. *Serials to be reported in numerical order, except on schedule furnished foresters.*—Serial numbers must be reported on all schedules in numerical order, except the classified schedule reporting change of status of entries within National Forests, required under paragraph 52. On the classified schedules of serial numbers, when reporting papers transmitted in connection with an original homestead entry and on an additional thereto, after report of the original entry note "See add'l (giving number)," and report the serial number of the additional entry, *in its numerical order*, with notation "See orig. (giving number)."

49. *How to arrange schedules.*—The original schedules of serial numbers must be arranged in the order listed in paragraphs 40, 42, and 44; the duplicates must be arranged in similar order separately from the originals. The blank spaces at the top of each sheet of the schedules must have the name of the land office and the month and year inserted. Each sheet of the classified schedules (required under paragraph 44) must be properly designated at the top, as "Rejected and closed cases," "Desert Land Yearly Proofs," "Applications for sale of isolated tracts," etc.

50. *Numbers must not be abbreviated; sheets to be numbered.*—Do not abbreviate serial and receipt numbers on abstracts and schedules of serial numbers. If a schedule or abstract consists of more than one sheet the sheets must be numbered at the bottom.

51. *Schedules to be sent to C. F. D.*—At the same time the returns are forwarded to this office, each month, you will transmit to the Chief of Field Division copies of the classified schedules of rejected and closed cases and relinquishments.

DISTRICT FORESTERS.

52. *Schedule to be furnished.*—A classified Schedule of Serial Numbers (on Form 4-115), reporting in chronological order all applications, final certificates, relinquishments, and cancellations of entries within the limits of National Forests must be forwarded direct each month to The District Foresters. Such schedule should not be furnished the General Land Office, or the Forester, Forest Service, Washington, D. C. On request the district foresters should be furnished the status of unperfected entries, as may be called for by them on forms to accompany their requests. When any excessive amount of data is required by the Forest Service that bureau will detail a clerk to obtain the information, and relieve the local land office of any burdensome requirement. Prompt attention should be given to all requests from The District Foresters.

CERTAIN PAPERS TO BE TRANSMITTED SPECIAL.

53. The following, for which separate classified Schedules of Serial Numbers are not required, must be transmitted special during the month, and not with the returns:

(a) Entryman's elections under circular March 25, 1909 (37 L. D., 528).

(b) Suspended cases of special nature, concerning the action on which the local officers are in doubt, which may be submitted to the General Land Office for consideration. There must be attached to each case so transmitted a note of explanation briefly setting forth the facts. The date of transmittal must be noted opposite report of the serial number involved in each instance on the classified Schedule of Serial Numbers, if a classified schedule is provided; or, if the application, etc., involved was assigned its serial number during the month when the paper is transmitted, the date of transmittal must be noted in the remarks column of the general Schedule of Serial Numbers.

(c) Applications to contest and protests against State, railroad, forest reserve, and individual claimant's selections.

(d) Copy of each application to contest allowed by the local officers with the words "For G. L. O. files" plainly written in the margin.

54. *Letters, reports, etc., must not accompany accounts and returns.*—Letters relating to accounts and returns must always be sent separately from the accounts and returns, in order that they may receive prompt attention and not become lost or overlooked among the entry or other papers. Additional evidence, reports, etc., called for by the General Land Office must be transmitted by special letters when received in the district land office, and proper notation made on your records. Care must be observed to give the serial number of the

application or entry involved in all such special transmittal of evidence and reports. With every such special transmittal, either a formal letter report, provided in particular cases, or, in special instances, a short letter report should accompany the same.

TIMBER AND STONE APPLICATIONS.

55. *Method of transmitting and reporting.*—One copy of each timber and stone application must be transmitted with the returns for the month during which the same is accepted, with the status plainly shown thereon. The other copy should be forwarded to the Chief of Field Division for appraisal, after complete notation on the Serial Number Register, which will suffice for the record thereof until return of the appraisal made by the Chief of Field Division, with which appraisal the duplicate copy should be retransmitted to the district land office and acted on in accordance with the regulations of November 30, 1908, as revised January 2, 1914. Where applicants to purchase under the timber and stone law fail to make proof and payment within the time provided therefor under the law and regulations, there should be forwarded to the General Land Office, with the returns for the month within which the time for making payment or filing of proof expires, all papers relating to the application, with a short letter report attached thereto of the fact that no proof or payment has been made thereon, observing paragraph 63. Notation should be made on the Serial Number Register and on the Tract Book “(date) payment not made, closed,” or “(date) no proof filed, closed.” On the Serial Number Register should appear the additional notation “all papers forwarded to G. L. O. (date of transmittal and month’s returns).” A line should be drawn through the notation on the plats. The serial number of the closed timber and stone application must be reported on the classified Schedule of Rejected and Closed Cases, for the month transmitted, with notation in the remarks column “Payment not made, closed,” or “No proof filed, closed.” Upon suspension or rejection of a timber and stone application, both copies thereof should be retained in the district land office during the period allowed for perfection of same or for appeal. If appeal is filed or the application is finally rejected, both copies should be transmitted with the returns for the month during which appealed or finally rejected.

NOTICE OF ALLOWANCE.

56. *Must be given promptly.*—Every applicant and entryman shall be given prompt and due notice of the allowance of an application, entry, proof, etc., as required by circular of August 7, 1908 (37 L. D.,

60). In the case of original applications, there is a form letter provided (Form 4-279) which must be immediately delivered or mailed to the applicant upon the allowance of the application in order that there may be no justifiable excuse for failure to comply with the law as to the establishing of residence, etc. The receipt issued is not in any case to be treated as a notice of allowance of the application, entry, proof, etc. In the case of a final entry, the notice of allowance is a duplicate of the register's certificate, which duplicate copy must be plainly marked across its face "Duplicate."

FINAL CERTIFICATES.

57. *Must show all receipt numbers.*—Final certificates in connection with all entries must show the numbers of all receipts issued in connection with the entries beginning with the receipt in connection with the original application to enter, in the upper right-hand corner, in numerical order. These numbers can readily be obtained from the Serial Number Register, which, of course, should show the numbers of all receipts issued in connection with an entry.

58. *One certificate covering two or more applications or proofs.*—In the case of an original and additional homestead entry by the same person on which one final proof covers both entries, separate final certificates must not be issued. One final certificate should be issued, showing thereon both serial numbers, with the abbreviations "Orig." and "Addl." after the respective numbers. Likewise, in cases where an applicant for an isolated tract sale purchases non-contiguous tracts, the sale of which was made under one application, one certificate should issue covering all the tracts purchased by the same person, showing thereon the same serial number as the application, if the applicant is the purchaser. If purchased by one other than the applicant, current number should be given the certificate, as directed by paragraph 15.

REJECTED APPLICATIONS, ETC.

59. *Final disposition must be noted.*—Rejected applications, proofs, etc., must be held for appeal, and transmitted to the General Land Office with the returns for the month during which the appeal is filed, or for the month in which the time allowed for appeal expires. There must be attached to each rejected application, proof, etc., a "rejection slip" (Form 4-659), or copy of notice of rejection, and the final disposition must be plainly noted on such rejection slip, or copy of notice of rejection, before the papers are transmitted with the monthly returns.

RELINQUISHMENTS.

60. *Notations by register.*—The register will note on each relinquishment, over his signature, the day and hour of its receipt, and will write the words "Canceled by relinquishment" (giving date) opposite the record of the entry in the serial number register and tract book and draw a line through the notation on the township plat. Whenever a relinquishment is filed on any other form except the relinquishment blank (Form 4-621) the register will immediately attach such instrument to the regular blank form either by staples or paste, preferably the latter, in order to enable persons handling same to readily recognize nature of the paper.

ENTRY PAPERS AND ABSTRACTS.

61. *Must not be folded.*—All application and entry papers and all abstracts and accounts, with the monthly returns, must be transmitted FLAT, not folded.

ENTRY PAPERS.

62. *Must not be transmitted with accounts.*—Application or entry papers, with the monthly returns, must be transmitted FLAT, in a separate package or packages from the receiver's accounts. Where the returns consist of more than one package, registers will note on each package the number of packages transmitted, and the number of each particular package, as "5 packages, No. 2." Such information will enable this office to determine without examining the returns when same have been received complete. The name of the local office should, of course, be shown on all envelopes and packages forwarded. The general Schedule of Serial Numbers and the classified schedules of serial numbers must accompany the application or entry papers. Observe care to arrange such schedules as directed in paragraph 49.

63. *Must be fastened together at the top.*—All papers belonging to the same application, entry, proof, etc., EXCEPT THE CARBON COPIES OF RECEIPTS, sent with your monthly returns, must be fastened together with the stapling machine provided therefor. (Adjust guide on machine so that the papers will be fastened not more than one-fourth inch from the top.) All papers must be fastened at the top, in the center. Do not use more than one staple.

ARRANGEMENT OF PAPERS.

64. *Must be arranged numerically.*—Arrange all applications and entry papers submitted with your monthly returns numerically, without regard to the kind or class of application or entry. There is no

objection to arranging leaves of absence under the acts of June 6, 1912, and December 20, 1917 (farm labor), in separate packages with your returns.

65. Arrange the papers in each case according to their dates, with the latest dated, or issued, paper on the top. Arrange papers with the top and left edges even.

NOTATIONS ON PAPERS.

66. *Exact time of receipt must be shown.*—Application and entry papers should not be briefed. The date and hour of receipt of ALL papers must be noted in the upper RIGHT-hand corner. Observe instructions contained in circular 512.

67. *Serial, receipt, and old numbers.*—The serial and receipt numbers must always appear on the upper RIGHT-hand corner of EACH application or entry paper. If a number under the series of numbering in use prior to July 1, 1908, is involved, such old number and KIND of application or entry must be noted under the serial number, as "HE 3926," "DLE 4630," etc.

68. *Acts of Congress and area.*—The date, or dates, of any acts under which an application, entry, etc., is made must be noted on such papers, together with the area embraced thereby. Type and type holders have been furnished the local offices for this purpose.

69. Additional entries should always bear the notation of the serial number of the original entry in the space provided therefor on the application blank.

70. *Moneys earned to be shown on papers.*—Receivers have been furnish hand stamps for stamping on papers the amount of money "earned" in connection therewith. This notation should be made in the upper LEFT-hand corner of the paper. It is of utmost importance that the stamp should be used in all cases and that the amounts be accurately noted, as the triplicate abstracts have been dispensed with and the receipts are forwarded to the Auditor for the Interior Department with the accounts of receivers.

71. *Dates moneys are applied to be shown on papers.*—Excepting only the initial and any intermediate payments which may be shown on final certificates, you will indicate on all applications, selections, etc., and final certificates immediately beneath or following the receipt number, or numbers, shown thereon, date the amounts represented by them were *applied*. This notation may be made either by pencil or band dater. Original fees, commissions, first payments, etc., and final commissions, coal-land purchase money, etc., must, of course, be applied upon allowance of applications and issuance of final certificates, respectively.

RECEIVERS' ACCOUNTS.

72. *Forms of remittances.*—Receivers of public moneys may accept cash, currency, and certified checks when drawn in favor of the receiver on national and State banks and trust companies located in the same city as the depository with which the deposits are to be made, and such "out of town" certified checks as can be cashed by them without cost to the Government. United States postal money orders may be received and accounted for as cash when they are made payable to the order of the receiver by the post office where they are issued and drawn on the post office where the receiver is located. Receivers must not accept, or issue receipts for, remittances tendered in any other form. (Treasury Cir. No. 11, Mar. 27, 1913.)

RECEIPTS.

73. *Form of.*—Receivers of public moneys will use form of receipt blank, Form 4-131, for all moneys collected by them, and for all certificates of deposit on account of surveys, military bounty land warrants, certificates of location, etc., which, under any act of Congress, may be received as cash in payment for lands. When the warrants or certificates of location are not tendered as cash, receivers will issue receipt only for the fees paid in connection with the "locating" thereof.

74. *When to issue.*—Receivers must issue receipts for the full amount of money tendered *at the time* the money is tendered and must not have any money in their custody or control *beyond the day of its receipt* for which receipts have not issued.

75. *Significance of.*—The issuance of a receipt by a receiver of public moneys does not mean that the application, entry, proof, etc., in connection with which it is issued, is allowed or approved, or will be allowed or approved. It merely means that the receiver has received the money and that it is in his custody or control until it is applied or returned.

76. *How to issue.*—Receipts must be issued in consecutive numerical order. Each receiver must use the lowest numbered receipt furnished him first. Receipts must always show the serial number of any application, entry, etc., in connection with which they are issued, and the area, price, etc.

77. *Alterations not to be made.*—Any receipt that needs correction before delivery, or is mutilated or spoiled in any manner, should be marked plainly across its face "Canceled," and be placed in proper numerical order with the copies of receipts transmitted with the receiver's accounts and another receipt issued. After delivery, where receipts are returned to receivers or recalled by them for correction, the receiver will indorse the correction across the face of the receipt and certify to same.

78. *Allowances not to be indicated.*—The word "Entry" must never appear upon receipts; the words "Application," "Proof," etc., should be used. Receipts must not indicate the action taken on the paper in connection with which issued, due notice of which will be given. (See 37 L. D., 60.)

79. *Carbon copies.*—The carbon copy of the receipt must show the signature of the receiver, preferably in carbon, as evidence that both original and copy were signed simultaneously. The original will be delivered to the payor. Carbon copies of receipts must be transmitted monthly in consecutive numerical order, with the lowest numbered receipt on top, with the receiver's accounts.

80. *Receipt for coal lands.*—A memorandum copy of each receipt issued in connection with coal-land declaratory statements, applications, and entries must be forwarded direct to the Director of the Geological Survey, which memorandum shall be prepared by means of carbon paper on a blank sheet at the time the original receipt is prepared. The description of the land involved should be shown on the copy furnished the Geological Survey, which must contain all data and insertions of the original receipt, including the receipt number.

DISPOSITION OF MONEYS.

81. *Deposit to official credit.*—Receivers must deposit all moneys received to their official credit as "Trust funds—Unearned moneys" and forward copies of certificates of deposit, Form 6599, to the General Land Office.

82. *Surplus amounts.*—Surplus amounts in excess of legal requirements should, in the event that final action can not be taken immediately upon the paper in connection with which tendered, be returned with a notice of the action taken; otherwise surplus amounts should be retained by the receiver as "trust funds" (which will hereafter be alluded to as "Unearned moneys") until final action on the paper is had.

83. *Expenses of depositing public moneys.*—Registers and receivers making shipments by express of moneys to their depositories should see that the express receipts or waybills indicate the amount of each kind of money contained in each package shipped. If this information is not stated on the express receipt or waybill, forming a subvoucher to the express voucher, the amount must be shown on the voucher of the express company where receivers make payment for such shipments.

84. *When to deposit.*—Treasury regulations require receivers of public moneys living in the same city or town with the Treasurer or Assistant Treasurer of the United States, a Federal reserve bank, or a national bank depository, to deposit their receipts at the close

of each day to the credit of the Treasurer of the United States. Officers at such a distance from a depositary that daily deposits are impracticable must forward their receipts as often as they amount to \$500, and at the end of each month without regard to the amount then accumulated. (Treasury Circular No. 105a, 1917.)

UNEARNED MONEYS.

85. The following class of money may be held by receivers of public moneys with unapproved applications, proofs, etc., as "un-earned moneys" and returned:

- (a) The five and ten dollar payment and commissions, together with any excess purchase money tendered in connection with homestead applications.
- (b) Final commissions tendered in connection with homestead proofs.
- (c) Commuted homestead purchase money.
- (d) Surplus amounts tendered in excess of legal requirements.
- (e) Contest testimony fees.
- (f) Testimony fees in connection with desert land final proofs, when the testimony is not reduced to writing in the local land office.
- (g) Moneys received for transcripts of records and plats when the condition of the local land office will not permit of the work being done therein and the applicant desires the work done by others.
- (h) Railroad and State selection fees.
- (i) Moneys tendered under any special act of Congress, or decision or regulation of the department, which specifically provides for the return of such moneys by the receiver in the event of rejection or disallowance of the paper in connection with which tendered.
- (j) Money tendered with applications where the land applied for is not subject to entry.
- (k) Moneys tendered with applications which show on their face that the applicant is not entitled to make entry.
- (l) Timber and stone purchase moneys tendered in advance of submission of proof.
- (m) Purchase moneys tendered with desert land applications.
- (n) Moneys tendered with any application to make entry or proof where a withdrawal as a transmission line is made under the act of June 25, 1910 (36 Stat., 847), and the land withdrawn is to be excluded from the patent pending computation in the General Land Office of the area for which deduction of fee, commissions, or purchase price (if any) is to be made.
- (o) Fees tendered with timber and stone applications, to be returned to the applicant where, for any reason other than fraud, the sworn statement is rejected prior to the submission of proof. Upon the submission of proof the fee together with the purchase money tendered will be applied.
- (p) Coal-land purchase money tendered prior to completion of proof as permitted in paragraph 18, Circular 557. Such payments must, of course, be applied upon issuance of final certificate.
- (q) Moneys tendered with applications for amendment, pending receipt of notice from this office of allowance or rejection of same, when they should be earned or returned.
- (r) Purchase moneys tendered with applications, pending allowance or rejection of same, when they should be earned or returned.

86. *How to apply and earn moneys.*—All moneys will be applied by the receiver drawing his official check therefor in favor of the Treasurer of the United States against his account of "Unearned moneys." The disposition of all moneys will be evidenced by the official checks of receivers, and they must note on all checks the numbers of the receipts and serial numbers which issued for the money covered thereby. Checks so drawn should be deposited to the credit of the Treasurer of United States on account of the particular fund for which drawn, and in the event that any receiver's designated depository will not accept checks so drawn the General Land Office should be immediately advised and the matter will be taken up with the Treasury Department for appropriate instructions to the depository.

OFFICIAL RECORDS OF RECEIVERS OF PUBLIC MONEYS.

87. *For moneys received and deposited to official credit.*—The receiver will use Form 4-103, making notations as indicated by the column headings of this form. No space is provided for the addresses of parties, and in those cases where such addresses are not to be found on the Serial Number Register, for example, where moneys are tendered in connection with requests for plats, the address should be noted on Form 4-103, using a separate line therefor. Receivers must observe especial care in noting the date and disposition of moneys on this form in the column entitled "Date applied or returned," using "A" or "R" as appropriate. The receiver may use a separate line of this form for surplus amounts or for any portion of the amount received that is to be applied separately from the remaining portion. Testimony fees should always be entered on a separate line. Certificates of deposit, Form 6599, should be noted on Form 4-103 in proper chronological order, immediately under the receipts covered thereby. Accounts should not be held in the local office beyond the period allowed by law awaiting receipt of certificates of deposit, but forwarded promptly to this office and the amount reported as in transit but not covered by certificate of deposit.

88. *For moneys returned or applied.*—Receivers will use for their records as to the disposition of moneys Forms 4-103a, 4-103b, and 4-103f. As these forms do not have any space for the name of the depositor great care must be observed to note the correct receipt and serial number, if the latter be involved.

89. *For moneys deposited with Treasurer.*—The receiver will make notations on Form 4-106, "Abstract of Treasury deposits," of all certificates of deposit issued to him, as indicated by the column headings of the abstract.

90. *Filing.*—One binder should be maintained for Form 4-103, and one binder for Forms 4-103a, 4-103b, 4-103f, and 4-106. In this way the receiver will have one record book showing all moneys received and another record book showing the disposition of such moneys.

91. *Return of moneys.*—Moneys must be returned by the official check of the receiver and in no other manner, with notation on such check showing receipt and serial numbers involved.

92. The receiver must hold moneys as unearned until the period for appeal has expired, unless waiver of appeal is filed. If an appeal is taken, the money must be held as unearned until the same is disposed of, when, according to the final action taken, the money should be applied or returned. Observe in this connection paragraph 85.

93. *Checks not to issue less than 50 cents.*—Following the ruling in 2 L. D., 200, that excess payments less than \$1 will not be insisted upon, and for the administrative reason that the return of small amounts by the official checks of receivers has tended to increase the amount of outstanding checks—as checks for a few cents are frequently never cashed—receivers will not issue official checks for the return of an amount less than 50 cents. In all transactions where the amounts are tendered over the counter, the receiver will, of course, make change and issue receipts for the amount of money retained by them. The small surplus should be earned with the balance of the remittance.

ACCOUNTS OF RECEIVERS OF PUBLIC MONEYS.

94. *Annual outstanding list of unearned items.*—Receivers at land offices located in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, and Montana will prepare, in triplicate, on the typewriter, an itemized list on Form 4-103 of all "Unearned moneys," that were in their custody or control at the close of business on March 31 of each year. Receivers at land offices located in Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, will prepare a similar list at the close of business on September 30 of each year. All copies of this list must be forwarded to the General Land Office with the receiver's accounts for the months of March or September of each year, as the case may be. One copy of this list, after verification in the General Land Office, will be returned to the receiver.

95. *When to apply moneys.*—When an item is to be applied, it must be reported upon the proper abstract of moneys returned or

applied, as indicated by the column heading thereof. The date reported on the abstract of moneys returned or applied must be the date the money is applied or returned, and should coincide with the date of the certificate of allowance, if any.

96. *Forms to be used.*—Receivers must render the following monthly, in duplicate, showing the month and year at bottom of each page, which should be numbered:

(a) 4-103. "Abstract of moneys received."

(b) 4-103a. "Abstract of moneys returned or applied." On this abstract must be reported chronologically, as "Returned" or "Applied," the following:

All items returned by the official check of the receiver, the check number to be inserted in the column indicated.

All payments to contest clerks, with number of voucher therefor; the oath on the reverse of this abstract should be executed by the receiver when payments to contest clerks are reported thereon, which should also show that the words have been counted and found correct.

All moneys credited the United States, as homestead fees, homestead commissions (both original and final), and commissions and other fees from whatever source.

All moneys credited the United States as "Sales of public lands."

Checks drawn for moneys earned should be properly shown in column provided therefor.

(c) 4-103b. "Abstract of moneys applied." This abstract will be used only in those offices where moneys from sales of town sites or Indian lands are received. The date of the act involved should be inserted in the blank space at the heading of the columns provided therefor, together with the name of the town site or reservation, using a separate column for each town site or reservation.

(d) 4-103f. "Abstracts of moneys applied or paid to appraisers." This abstract will be used for reporting moneys credited the United States on account of sales of Government property, and for payment to appraisers for reappraisement of timber and stone lands under the instructions of November 30, 1908 (37 L. D., 294), with the voucher number therefor inserted in the column indicated.

(e) 4-106. "Abstract of Treasury deposits." (See par. 88.)

(f) 4-106a. "Abstract of certificates of deposits on account of surveys, etc."

(g) 4-104a. "Receiver's account current." This form is to be used for both the monthly and quarterly "account current." A monthly "account current" for each of the first two months only in a quarter is required. A quarterly "account current" covering all three months of a quarter, to be rendered in duplicate, is required. Monthly "accounts current" should not be rendered in duplicate.

97. *How to state accounts.*—Form 4-103 should first be prepared from the record copy of the same, and its total carried to the credit side of the "account current" (Form 4-104a) on the line of "Collections as shown by abstracts," in the column "Trust funds—Unearned moneys."

98. Form 4-103a should then be prepared from the record copy of this abstract. The total of the column "Returned to depositors" should be carried to the debit side of the "account current" (Form

4-104a) on the line "Returned to depositors as shown by abstracts," in the column "Trust funds—Unearned moneys." The total of the column "Fees and commissions," including the subcolumns "Homestead fees," "Cancellation fees," and "Commissions and other fees" should be carried to the credit side of the "Account current" on the line "Applied as shown by abstracts," in the column "Fees and commissions." The total of the column "Sales of public lands" should be carried to the "account current" on the line "Applied as shown by abstracts," in the column "Sales of public lands."

99. The total of each column of Form 4-103b should be carried to the credit side of the "account current" on the line "Applied as shown by abstracts," in the columns of the "account current" corresponding to the columns of the abstract.

100. A copy of Form 4-106 will be mailed by the receiver to the Director of the Reclamation Service. The totals of the columns of this abstract will be carried to the debit side of the "account current," on the line "Treasury deposits as shown by abstracts," and distributed through the various columns of the "account current," corresponding to the columns of the "Abstract of Treasury deposits." Cash in transit to depository on the last day of a quarter must be included in the balance on hand and shown in the analysis of balance on the face of the "Account current." Credit therefor should be claimed in the month and quarter shown by the date of the certificate of deposit covering such cash.

101. Form 4-106a will be used for reporting the papers indicated thereon received as cash and will be carried to the debit side of the "account current" on the line "Military bounty land warrants, scrip, certificates of location, etc., received as cash, as shown by abstracts," distributed over the various columns of the "account current" according to the purpose for which the paper was received as cash, and the fund to which, if cash had been received, the same would have been deposited. This abstract performs the same functions as the "Abstract of Treasury deposits," Form 4-106, in enabling the receiver to obtain credit for items debited to himself on the various abstracts of moneys and the various abstracts where the cash equivalent of such papers was reported as cash.

102. *Recapitulations.*—Add to the totals of columns on the last page of an abstract for the last month of each quarter the totals of the columns of the corresponding abstract for the two previous months of the quarter.

103. *Account current.*—The preparation of the "account current" (Form 4-104a) has been explained in the preceding paragraphs, except as to line "Applied, as shown by abstracts," on the debit side. This line should show in the column "Trust funds—Unearned

moneys" the amount shown in the total column on the corresponding line of the credit side of the "account current." Receivers, in every case, must sign the certificate on the face of the "account current," and also the first indorsement thereon. The register, in every case, must sign the certificate on the "account current" as to the examination of moneys in the hands of the receiver. As to the rendition of accounts current, see Comptroller's Decisions, vol. 19, page 103.

TRANSMITTAL OF ACCOUNTS.

104. Monthly accounts must be mailed within 10 days after the date of the expiration of the period for which rendered.

Quarterly and other accounts must be mailed within 20 days after the expiration of the period for which rendered. When accounts are not rendered within the statutory period (28 Stat., 209), an explanation of the cause of delinquency must be furnished in order that proper steps may be taken with the Treasury Department to have the bar to advances of funds waived.

105. All papers constituting receiver's accounts must be transmitted flat—not folded—and arranged in the following order:

- (a) Copies of receipts.
- (b) "Abstract of moneys received." (Form 4-103.)
- (c) "Abstract of moneys returned or applied." (Form 4-103a.)
- (d) "Abstract of moneys applied." (Form 4-103b.)
- (e) "Abstract of moneys applied or paid to appraisers." (Form 4-103f.)
- (f) "Abstract of Treasury deposits." (Form 4-106.)
- (g) "Abstract of military bounty land warrants, etc." (Form 4-106a.)
- (h) "Receiver's account current." (Form 4-104a.)

Arrange the duplicate forms in like manner.

HOW TO FIND BALANCE OF UNEARNED MONEYS.

106. *Monthly accounts.*—(1) Total the "Abstract of moneys received" (Form 4-103), which would be the aggregate amount of money received for the month or other period for which rendered. (2) Add to this total the balance brought forward from the preceding month. (3) Deduct from this total (a) the total amount of moneys returned during the month, (b) the total amount paid contest clerk during the month, (c) the total amount paid to appraisers during the month, (d) the total amount deposited to the credit of the Treasurer of the United States during the month, (e) the amount paid register and receiver in abatement of receipts when authorized.

The difference thus ascertained will be the total balance with which the receiver is chargeable. The total amount on deposit with his designated depository or depositories, together with the cash on hand in office safe, may exceed this balance. Therefore the aggre-

gate amount of all outstanding checks should be deducted therefrom. This difference should equal the amount of the receiver's true balance.

107. *Quarterly accounts.*—Follow the same procedure as set forth with reference to monthly accounts, except that the balance brought forward should be that on hand at the end of the last month of the prior quarter, and the totals will be for the entire quarter.

108. *How to determine whether amount of cash on hand in office safe is correct.*—Strike a balance as directed in paragraph relating to monthly accounts, including receipts for the current day; deduct from this total all deposits of "unearned moneys."

COMPENSATION OF REGISTERS AND RECEIVERS.

109. Registers and receivers are allowed a salary of \$500 a year without regard to the character or amount of work done by them (sec. 2237, Revised Statutes), except in Alaska. In addition to this salary they are entitled, under section 2238, Revised Statutes, and other laws, to commissions on moneys received at the receiver's office and to certain fees for specific services rendered by them.

Section 2240, Revised Statutes, provides:

The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate \$3,000 a year each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro rata allowance of such maximum.

The term "year" as used in this section relates to the fiscal year beginning July 1 and ending June 30. (*Sweet v. United States*, 34 Ct. Cl., 377; 3 Comp. Dec., 606.)

Section 2241, Revised Statutes, provides that compensation received in any land office in excess of the maximum allowed by law to the register and receiver shall be paid into the Treasury as other public moneys.

Under the decision of the Comptroller of the Treasury dated June 18, 1915, registers and receivers are each entitled to 1 per cent commissions on cash sales of Indian land (unless such commissions are designated or restricted by the act of Congress authorizing the sales), not to exceed the maximum compensation provided by section 2240, Revised Statutes.

In computing the compensation of the local land officers the following order will be observed:

- (a) Salary.
- (b) Cancellation fees (earned by the register only).
- (c) 1 per cent each on sales of public land.
- (d) 1 per cent each on sales of Indian land.
- (e) Commissions and other fees.

The excess of the maximum earnings of any month within a fiscal year may be applied to minimum of earnings of any month within

the same fiscal year, but the excess of maximum earnings of one fiscal year must not be applied to the minimum earnings of another year.

The excess of earnings of one appointment must not be applied to the minimum earnings of another appointment, even though it be of the same officer, and within the same fiscal year. (13 Comp. Dec., 313.)

Ex-officio registers and receivers at Fairbanks and Nome, Alaska, are allowed only such fees and commissions as are provided by law, not to exceed \$1,500, as their maximum earnings, whereas registers and receivers of other land districts except Juneau, Alaska, where a salary of \$1,500 per annum is allowed, are allowed a maximum of \$2,500 on account of fees and commissions.

110. *Vacancy in office.*—A vacancy in the office of register or receiver disqualifies the remaining incumbent from taking official action upon papers requiring the joint action of said officers until the vacancy has been filled and the new officer enters upon his duties. (9 L. D., 365; 12 L. D., 297; 14 L. D., 133; 20 L. D., 276; and 22 L. D., 704.)

FEEES AND COMMISSIONS.

111. In Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming the following fees and commissions are chargeable by law, to be collected by registers and receivers and which enter into the computation of their compensation, except the homestead fee.

112. *Declaratory statements.*—

Preemption declaratory statement.....	\$3. 00
Soldiers and sailors' homestead declaratory statement.....	3. 00
Coal land declaratory statement.....	3. 00
Reservoir declaratory statement (Act of January 13, 1897).....	3. 00

Declaratory statement fees are earned irrespective of the action taken upon the declaratory statement.

113. *Mineral applications and adverse claims.*—

For filing and acting upon each application for a patent.....	\$10. 00
For filing and acting upon each adverse claim.....	10. 00

Fees in connection with mineral land applications and adverse claims are earned irrespective of the action taken on the application or adverse claim. Coal applications must be accompanied by a fee of \$10, as they are held to be "mineral applications" by comptroller's decision of July 25, 1911. (Appeal No. 20295.)

114. *Timber and stone applications.*—

For filing and acting upon each application to purchase timber and stone lands.....	\$10. 00
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See Circular No. 576.

115. *Homestead applications.*—

For 160 acres, at \$1.25 per acre:		
Fee	-----	\$10. 00
Commissions	-----	6. 00
		\$16. 00
For 80 acres, at \$1.25 per acre:		
Fee	-----	5. 00
Commissions	-----	3. 00
		8. 00
For 40 acres, at \$1.25 per acre:		
Fee	-----	5. 00
Commissions	-----	1. 50
		6. 50
For 160 acres, at \$2.50 per acre:		
Fee	-----	10. 00
Commissions	-----	12. 00
		22. 00
For 80 acres, at \$2.50 per acre:		
Fee	-----	5. 00
Commissions	-----	6. 00
		11. 00
For 40 acres, at \$2.50 per acre:		
Fee	-----	5. 00
Commissions	-----	3. 00
		8. 00

Fees and commissions in connection with homestead applications are not earned unless the application is allowed.

NOTE.—A fee of \$10, with proper commissions, will be collected in connection with homestead applications where the area involved is 81 acres or more. (See Circular Nov. 14, 1914, 43 L. D., 449.) Proper commissions, original and final, are based upon the area involved unless restricted by special act of Congress.

116. *Final homestead commissions.*—

For 160 acres, at \$1.25 per acre	-----	\$6. 00
For 80 acres, at \$1.25 per acre	-----	3. 00
For 40 acres, at \$1.25 per acre	-----	1. 50
For 160 acres, at \$2.50 per acre	-----	12. 00
For 80 acres, at \$2.50 per acre	-----	6. 00
For 40 acres, at \$2.50 per acre	-----	3. 00

NOTE.—The commissions must be tendered with the homestead proof, together with testimony fees at 22½ cents per 100 words. The commissions are not earned unless the proof is approved.

117. *Military bounty land warrants.*—

For locating a 160-acre warrant	-----	\$4. 00
For locating a 120-acre warrant	-----	3. 00
For locating a 80-acre warrant	-----	2. 00
For locating a 60-acre warrant	-----	1. 50
For locating a 40-acre warrant	-----	1. 00

The moneys are earned irrespective of the action taken.

No fees are chargeable on warrants issued prior to February 11, 1847.

Revolutionary bounty-land scrip is received and accounted for as cash, and no fee is chargeable to parties presenting such scrip.

Receipts must issue for the military bounty land warrant tendered, indicating thereon the cash value of same and the date of issuance of warrant, number thereon, serial number of case involved, act of Congress under which issued, name of party to whom issued, last assignee, area of land granted under the warrant, and the description of the land and the area thereon for which the warrant is accepted in payment. The receipts should show as a separate item any cash that may be tendered with the warrant.

The warrant should be accounted for on Form 4-103 as a separate item with a full description thereon as shown by the receipt.

If the item is "earned" it should be accounted for on Form 4-103a under the heading of "Sales of public lands," and in the place of the check number should be set forth "M. B. L. W. No. ———," accounted for on Form 4-106a in accordance with the instructions contained in Circular 304 and debited the United States in the account current under "Sales of public lands" on the line of military bounty land warrant, scrip and certificates of location received as cash, as shown by abstracts.

Before returning a warrant to the applicant the receiver should first obtain a receipt therefor, which should set forth the same data as that indicated at the time of tender, and file same with the Form 4-103a, in which the item is set forth in the "Returned to the depositor" column as "M. B. L. W. No. ———, see voucher." The warrant must not be set forth on the abstract of certificates of deposits for earned moneys deposited to the credit of the Treasurer of the United States.

118. *Porterfield warrants* (Act of Apr. 11, 1860).—For locating these warrants the same fees are chargeable as are allowed for military bounty land warrants. The moneys are earned irrespective of the action taken.

119. *Sales of public lands*.—The commissions of registers and receivers on cash sales of the public lands are paid by the United States, and no fees or commissions on such sales are chargeable to the purchasers, except in cases of homestead entries on ceded Indian reservations affected by the act of May 17, 1900 (31 Stat., 179), and commuted under the provisions of the act of January 26, 1901 (31 Stat., 740), in which cases the entryman is required to pay a commission of 2 per cent on the cash price of the land (31 L. D., 106). In cases of timber sales in Alaska, the Comptroller of the Treasury has held that the sale of timber is a sale of lands and that the register and receiver are entitled to 1 per cent each commissions on sales of such timber. In cases of sales of Indian lands appropriate instructions will be given as to the collection of commissions, and when the commissions are collected from the entryman, in addition to the purchase price for the Indian lands, the commissions are not earned unless the proof is approved, although the purchase money in many instances may be earned irrespective of the action taken upon the proof.

120. *State selections.*—

For each final location of 160 acres (or fraction thereof) under any grant of Congress to States (except for agricultural colleges)..... \$2.00

No fees are chargeable on State swamp-land selections, but a fee of \$2 is to be collected on each location of 160 acres, or fraction thereof, made with swamp-land indemnity certificates.

NOTE.—(a) This money is not earned unless the selection is approved. For method of computing State selection fees see paragraph No. 121.

(b) The enabling act (36 Stat., p. 557), provides that the fees to be paid to the register and receiver in the States of Arizona and New Mexico for each final location or selection of 160 acres made thereunder shall be \$1.

121. *Railroad selections.*—

For each final location of 160 acres (or fraction thereof) by railroad or other corporations..... \$2.00

In computing the amount of fees payable on a list of State or railroad selections, the receiver will divide the total area by 160; the quotient will be the number of 160-acre selections on which a fee of \$2 each is chargeable. Should the quotient consist of a fraction over a whole number the legal fee of \$2 will be collected for such fraction.

NOTE.—The moneys are not earned unless the selection is approved.

122. *Agricultural college scrip.*—

For each piece of agricultural college scrip located..... \$4.00

NOTE.—This money is earned irrespective of the action taken.

123. *Private land scrip, Valentine scrip.*—

For each piece of scrip filed on unsurveyed lands..... \$1.00

For each location of scrip..... 1.00

NOTE.—The moneys are earned irrespective of the action taken.

124. *Supreme Court scrip.*—No fees or commissions are allowed on the location of Supreme Court scrip, nor on the location of Indian scrip, or other private land scrip, except as specifically provided for by law.

125. *Reducing testimony to writing.*—Fees for reducing testimony to writing are allowed at the rate of 22½ cents for each 100 words, in the following cases:

(1) Making final proof in preemption cases when the writing is done in the local land office.

(2) Making final proof in commuted and noncommuted homestead and timber culture cases, irrespective of the fact whether or not the writing is done in the local land office, as the fees are allowed for "examining and approving the proof."

(3) In establishing claims to mineral lands. However, at present there is no proof in mineral lands which would be reduced to writing in the local land office and entitling the collection of testimony fees. (Sec. 12, act May 10, 1872.)

(4) In establishing claims to timber and stone lands, when the testimony is reduced to writing in the local office.

(5) In hearings before registers and receivers in contest cases.

Registers and receivers of the United States land offices will employ clerks for reducing testimony to writing in contest cases when such clerical assistance is required in their offices. No specific authorization for the employment of such clerks will be required, nor will such clerks be required to file an oath of office. However, these clerks must attach a certificate, signed by them, to the testimony transcribed in each case, to the effect that such testimony is a true and literal transcription of the verbatim report taken at the hearing. Clerks employed for this work should be qualified as competent stenographers and typewriters and must furnish their own supplies.

The compensation to be paid such clerks will be not to exceed 15 cents per 100 words in the following States, where the amount to be collected from the contesting parties is $22\frac{1}{2}$ cents per folio: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The compensation to be paid such clerks will be not to exceed 10 cents per 100 words in the following States, where the amount to be collected from the contesting parties is 15 cents per folio: Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin.

Contest clerks are allowed 5 cents a page for copies of testimony furnished either party. (38 L. D., 615.)

When the reducing to writing, in a contest case, is done by regularly appointed employees of local land offices, the total amount received must be deposited to the credit of the Treasurer of the United States.

No compensation will be allowed contest clerks for docketing. Docketing of contest cases and all other notations on the contest docket will be done by the registers or receivers or by the regular salaried employees of the local land offices.

The estimated cost of reducing to writing all the testimony to be taken before the register and receiver in a contest case shall be collected in advance from the contesting parties on the date of the hearing before the hearing has begun, or, under rule 57 of Practice, the party liable thereto may be required to give security in advance of the trial by deposit in a reasonable sum or sums, for payment of the cost of transcribing the testimony. Receipts (Form 4-131) will issue for the amounts collected and must show the number of words and the rate per hundred. If any additional amounts above the estimated cost are collected, additional receipts will issue therefor and the amounts deposited to the official credit of the receiver as hereinafter directed. Moneys so receipted for will be deposited to

the official credit of the receiver of public moneys as "Unearned moneys" and so held until the complete record in the case, in connection with which deposited, has been transcribed and filed in the local land office, and payment will then be made to the contest clerk, after securing proper voucher therefor, and the net balance, exclusive of such payment, deposited to the credit of the Treasurer of the United States, and any excess amount returned to the proper parties. Report will then be made of such collections and expenditures on Form 4-103 and Form 4-103a. (See par. 53 et seq. of Rules of Practice.)

(6) In making final proof on desert-land claims, when the testimony is reduced to writing in the local land offices. (See 36 L. D., 481).

In computing the fees for reducing testimony to writing, only the words actually written must be charged for and no charge should be made for the printed words. (See pars. 10, 11, and 12, sec. 2238, U. S. Rev. Stats.) The words written must be counted and the charge made in accordance with the result of such count. Registers and receivers must not have a uniform fee of a specific sum in every case of the same class of proofs.

126. *Transcripts from records.*—Registers and receivers are entitled to charge at the rate of 10 cents per 100 words for making transcripts of their records for individuals. (Act of Congress of Mar. 22, 1904.)

A transcript is a literal copy of the words, letters, and figures which make the record. The correctness of the transcript may or may not be certified to, but it is nevertheless a transcript.

Registers and receivers of consolidated land districts only are entitled to charge, for furnishing any other record information, such fees as are properly authorized by the tariff existing in the local courts of their district.

Record information is held to be any official statement of the facts appearing of record, a certificate, and for which they are entitled to charge the fee as above authorized.

In the absence of the State fee bill, providing for such fee, registers and receivers will be entitled to charge the fee allowed clerks of courts for furnishing certificates of their records, and in the receipt for the amounts so collected will cite the section and page of the State statute or other authority for such charge.

While it may often be desirable for any register and receiver to furnish record information, there is no authority for others than officers of consolidated land districts to collect a fee therefor.

The fees allowed to public officers are matters of strict law, depending upon the very provisions of the statute, and are not subject to discretionary action on the part of officials.

Consolidated districts are those districts into which one or more previously existing districts have been merged.

(See Cir. 315, dated Apr. 24, 1914, 43 L. D., 226.)

127. *Plats and diagrams.*—Under the second section of the act of March 3, 1883, authorizing a charge to be made for plats, diagrams, etc., the fees for the same are hereby fixed as follows:

For a diagram showing entries only.....	\$1.00
For a township plat showing entries, names of claimants, and character of entry.....	2.00
For a township plat showing entries, names of claimants, character of entry, and number.....	3.00
For a township plat showing entries, names of claimants, character of entry, number and date of filing or entry, together with topography, etc.	4.00

The plat or diagram must be of standard size (Form 4-590b), and it must be a correct and complete delineation of the particular township. There is no legal authority under said statute for registers and receivers to furnish a plat of a section or subdivision, or any other fraction of a township, and to charge or receive therefor a proportionate part of the authorized fee.

128. *Lists for taxation purposes.*—For lists of lands sold, which are construed to mean lists of final certificates furnished State or Territorial authorities for the purposes of taxation, 10 cents per entry. The receipts must show number of final entries and rate per entry.

129. *Cancellation fees.*—

For giving notice to contestants of the cancellation of any homestead, preemption, or timber-culture entry.....	\$1.00
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This fee must be tendered to the receiver before any application of the successful contestant for the lands involved will be approved. The register only is entitled to the compensation on account of cancellation fees, which must be reported in a separate column of abstract. (Form 4-103a.)

130. In Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, the following fees and commissions are chargeable by law to be collected by registers and receivers, and which enter into the computation of their compensation, except the homestead fee.

131. *Declaratory statements.*—

Preemption declaratory statement.....	\$2.00
Soldiers' and Sailors' homestead declaratory statement.....	2.00
Coal land declaratory statement.....	2.00
Reservoir declaratory statement (act Jan. 13, 1897).....	2.00

Declaratory statement fees are earned irrespective of the action taken upon the declaratory statement.

132. *Mineral applications and adverse claims.*—

For filing and acting upon each application for a patent.....	\$10.00
For filing and acting upon each adverse claim.....	10.00

Fees in connection with mineral land applications and adverse claims are earned irrespective of the action taken on the application or adverse claim.

For coal applications see paragraph No. 113.

133. *Timber and stone applications.*—

For filing and acting upon each application to purchase timber and stone lands.....	\$10.00
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See circular No. 576.

134. *Homestead applications.*—

For 160 acres, at \$1.25 per acre:	
Fee	\$10.00
Commissions	4.00
	\$14.00
For 80 acres, at \$1.25 per acre:	
Fee	5.00
Commissions	2.00
	7.00
For 40 acres, at \$1.25 per acre:	
Fee	5.00
Commissions	1.00
	6.00
For 160 acres, at \$2.50 per acre:	
Fee	10.00
Commissions	8.00
	18.00
For 80 acres, at \$2.50 per acre:	
Fee	5.00
Commissions	4.00
	9.00
For 40 acres, at \$2.50 per acre:	
Fee	5.00
Commissions	2.00
	7.00

Fees and commissions in connection with homestead applications are not earned unless application is allowed.

See note to paragraph 115.

135. *Final homestead commissions.*—

For 160 acres, at \$1.25 per acre.....	\$4.00
For 80 acres, at \$1.25 per acre.....	2.00
For 40 acres, at \$1.25 per acre.....	1.00
For 160 acres, at \$2.50 per acre.....	8.00
For 80 acres, at \$2.50 per acre.....	4.00
For 40 acres, at \$2.50 per acre.....	2.00

NOTE.—These commissions must be tendered with the homestead proof, together with testimony fees at 15 cents per hundred words. The commissions are not earned unless the proof is approved.

136. *Military bounty land warrants.*—

For locating a 160-acre warrant.....	\$4.00
For locating a 120-acre warrant.....	3.00
For locating a 80-acre warrant.....	2.00
For locating a 60-acre warrant.....	1.50
For locating a 40-acre warrant.....	1.00

See paragraph 117.

137. *Porterfield warrants (act of Apr. 11, 1860).*—For locating these warrants the same fees are chargeable as are allowed for military bounty land warrants. The moneys are earned irrespective of the action taken.

138. *State selections.*—

For each final location of 160 acres (or fraction thereof) under any grant of Congress to States (except for agricultural colleges)..... \$2.00

No fees are chargeable on State swamp-land selections, but a fee of \$2 is to be collected on each location of 160 acres or fraction thereof made with swamp-land indemnity certificates. (See par. 139.)

NOTE.—This money is not earned unless the selection is approved. (See par. 120.)

139. *Railroad and other selections.*—

For each final location of 160 acres (or fraction thereof) by railroad or other corporations..... \$2.00

See paragraph 121.

140. *Agricultural college scrip.*—

For each piece of agricultural college scrip located..... \$4.00

NOTE.—This money is earned irrespective of the action taken.

141. *Private land scrip, Valentine scrip.*—

For each piece of scrip filed on unsurveyed lands..... \$1.00

For each location of scrip..... 1.00

NOTE.—The moneys are earned irrespective of the action taken.

142. *Supreme Court scrip.*—No fees or commissions are allowed on the location of Supreme Court scrip nor on the location of Indian scrip or other private land scrip, except as specifically provided for by law.

143. *Reducing testimony to writing.*—Fees for reducing testimony to writing are allowed at the rate of 15 cents per 100 words. (See par. 125.)

144. *Transcripts from records.*—Registers and receivers are entitled to charge at the rate of 10 cents per 100 words for making transcripts of their records for individuals. (See par. 126.)

145. *Plats and diagrams.*—(See par. 127.)

146. *Lists for taxation purposes.*—(See par. 128.)

147. *Cancellation fees.*—(See par. 129.)

148. *Soldiers' additional homesteads.*—The fees and commissions with soldiers' additional homestead applications will be computed in the same manner as are ordinary homestead fees and commissions. The original fee and commissions and final commissions will be collected together at the same time, and must be applied before certificate issues.

149. *Penalty for improper fees.*—No fees, commissions, or rewards are required or allowed to be paid at United States land offices for extra services of any character whatever; and registers and receivers are absolutely prohibited by law from charging or receiving, directly or indirectly, any fee or compensation not expressly authorized by law, or for any services not imposed upon them by law, or a greater fee or compensation in any case than specifically allowed by law. Officers charging or receiving illegal fees, compensations, or gratuity are subject to *summary dismissal from office*, in addition to the penalties provided in title "Crimes," chapter "Official misconduct," United States Revised Statutes. Illegal fees received by clerks, employees, or agents are received by the land officers within the meaning and prohibitions of the law, and registers and receivers will be held personally and officially responsible therefor.

CHECKS.

150. *Checks returned unclaimed.*—Where checks issued by receivers for return of unearned moneys have been returned as unclaimed they should be retained in the possession of the receiver, to be delivered to the payee when applied for. After the expiration of five years from the date the moneys covered thereby were originally received by the receiver, such checks should be transmitted with the return of outstanding checks (hereinafter provided for), in which they are included, to this office, which will forward them to the Secretary of the Treasury, who will place the amounts thereof to the credit of the appropriation "Outstanding liabilities" and the personal credit of the payee, as provided by the act of March 2, 1907. (See 34 Stat., 1245.)

151. *Outstanding checks—Return required.*—Receivers of public moneys should not deposit to the credit of the Treasurer of the United States on account of "Outstanding liabilities" the amount of unearned moneys on hand for five years or more that are represented by checks issued by them for the refund of such moneys to applicants which remain outstanding, but they should make a return, in duplicate, of such checks to this office at the end of each quarter and they will be forwarded to the Secretary of the Treasury.

152. *Outstanding checks—Return when receiver retires.*—Whenever any receiver of public moneys shall cease to act in that capacity, he should at once inform the Secretary of the Treasury what checks, if

any, drawn by him are still outstanding and unpaid. If the checks are in his possession he should transmit them to this office with a schedule thereof, in duplicate, for reference to the Auditor for the Interior Department for file with his schedule to await claim of payees for delivery to them.

153. *Outstanding checks—Amounts to be determined.*—As it is necessary for the receiver in order to balance his account to know the amount of outstanding checks, he should carefully examine and compare with his records of checks issued, the monthly statements of paid checks from the Treasurer of the United States, making notations on stubs of checks of the payment or cancellation thereof.

MISCELLANEOUS.

154. *Moneys tendered for lands in other districts.*—A tender of money in connection with an application for lands not situate in the receiver's land district must be receipted for by him and the amount thereof deposited as "Unearned moneys" and immediately returned to the party tendering same by the receiver's official check, together with the application with which tendered, after giving the latter current serial number and making proper notations thereof upon the serial register. Due report of the receipt and the return of the money must, of course, be made in the receiver's accounts and of the application thereof in connection with which tendered, upon the "General schedule of serial numbers," with notation in the "Remarks" column. For example, "Application returned, lands in Seattle District."

In returning such moneys the receiver will advise the party remitting same of the reason therefor, and that he may immediately forward his application, together with the check returning his remittance, properly indorsed, to the receiver for the land district in which the lands desired are located. In this connection, however, applicants must be advised by receivers that checks issued by receivers of public moneys will in no case be accepted as a form of remittance in connection with any other application than that of the original remitter, as more than one indorsement on such checks will prohibit their acceptance by receivers of public moneys. If any checks of this character should be forwarded to a receiver in connection with applications for lands in his district, which applications were originally presented to another land office, the receiver will issue receipts therefor and account for the amounts thereof under existing regulations.

155. *Reappraisal of timber and stone lands.*—The money deposited to cover the cost of reappraisal of timberlands under the circular of November 30, 1908, as revised to August 22, 1911, should be

retained by the Receiver as "unearned moneys" pending reappraisal. The appraisement will be made by party designated by the chief of field division, and before making payment in accordance with paragraph 24 of said circular the receiver should secure a voucher (Form 4-152), signed by the appraiser, and certified by the chief of field division who employed him. This voucher should be forwarded with memorandum copy thereof with the receiver's "Abstract of moneys applied or paid to appraisers." (Form 4-103f.)

156. *Sales of Government property.*—Moneys received at land offices from proceeds of sales of any property should be deposited as "Unearned moneys," recorded on Forms 4-103 and 4-103f, and received and applied in the same manner as other moneys. Such moneys should be deposited to the credit of the Treasurer of the United States as "Miscellaneous receipts, proceeds of Government property." Certificates issuing therefor must show on the back thereof, in detail, what property was sold and a copy of the letter of the General Land Office authorizing the sale must be furnished and attached to the abstract. (Form 4-103f.)

OUTSTANDING LIABILITIES.

157. *Act of March 2, 1907 (34 Stat., 1245).*—At the end of each quarter receivers will prepare, in triplicate, on Form 4-103, an itemized list of all unearned moneys which have been on hand for five years or more, giving thereon the date each item was originally received, the receipt number, if any issued therefor, the name and address of the remitter thereof, and the purposes of its tender, which list shall bear the certificate of the register and receiver that the same is correct; that the amounts are due and payable; that due diligence has been exercised to the return of same; and that the sums specified have remained unclaimed for a period of five years or more. (35 L. D., 568.)

Where amounts appear on receiver's records, and the remitter cannot be identified, a separate list upon Form 4-103 shall be made thereof, in triplicate, showing the amount, and, if possible, the date of receipt of each item and whatever other information is available for identification, which list shall bear the certificate of the register and receiver, that after careful investigation the ownership of such moneys could not be determined, and that they have been reported in the unearned account for five years or more.

The total of each list above provided for will be separately deposited to the credit of the Treasurer of the United States as "Outstanding liabilities," lands, act of March 2, 1907. (34 Stat., 1245.)

158. *Repayment of outstanding liabilities.*—Application for the return of unearned moneys that have been transferred to the Treas-

ury under the act of March 2, 1907, should be stated by the applicant in the following form:

APPLICATION FOR RETURN OF MONEYS COVERED INTO THE TREASURY AS "OUTSTANDING LIABILITIES."

I, _____ of _____, who made payment of \$_____, in connection with _____ (Kind and number of application, etc.) _____, on _____, receipt No. _____, hereby make (Date.) application, in pursuance of section 4 of the act of March 2, 1907 (34 Stat., 1245), for the return of said amount, which has been transferred to the Treasury as "Outstanding liabilities" under said act.

(Signature.)

United States Land Office at _____ 19__

We hereby certify that it appears from the records in this office that the statements in the foregoing application are correct, and that the amount stated was transferred to the Treasury as "Outstanding liabilities," in pursuance of the act of March 2, 1907, in the accounts of the receiver of public moneys of the United States land office at _____, for the quarter ended _____.

Register.

Receiver.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,

Washington, D. C. _____ 19__

Examined and approved. It appears from the records of this office that the statements in the foregoing application and certificate are correct, and that the amount involved has been deposited in the Treasury in accordance with the act of March 2, 1907.

Commissioner.

The register and receiver will certify, as above directed, to the correctness of the account as shown by the records of their office, and forward same to the Commissioner of the General Land Office for administrative examination, and transmittal to the Treasury Department for settlement.

BONDS.

159. *Receiver's new bonds—Balances.*—As to receiver's accounts, it is required that the receiver transfer to his accounts under his new bond (or to his successor when he has not been reappointed) all moneys which constitute his balance of "unearned moneys" at the close of business on the last day for which he is to render accounts under his old bond. The balance due the United States embraces both "unearned" moneys and "earned" moneys. If the depository is not in

the same town with the receiver, the account should be extended to include the date of the last certificate of deposit, and same should be included in the "Abstract of Treasury deposits."

160. *Rendition of accounts time.*—Final accounts under any bond must be rendered within 20 days from the date preceding the date of the approval of the new bond.

161. *Balance from United States.*—The balance due FROM the United States embraces the balance due to the receiver because of over-deposits, credit differences, etc.

162. *Certificate of deposit.*—All receivers of public moneys must secure SEPARATE certificates of deposit (Form 1A) for moneys or balances deposited as receiver and as special disbursing agent, and the proper funds, appropriations, etc., must appear upon all certificates of deposit. The certificates of deposit must also clearly show that they are moneys or balances deposited "Under bond dated -----."

163. *Closing accounts when relinquishing office.*—When relinquishing his office, the receiver will prepare, in TRIPLICATE (Form 4-103), a list of all "unearned moneys" in his possession at the time of relinquishing such office, all copies of which the receiver will forward to the General Land Office with his final accounts. The triplicate copy will, after it has been checked with the records of the General Land Office, be transmitted to his successor. The outgoing receiver should transfer by his official check the amount of such list to his successor as soon as he has been officially notified that his successor has entered on duty and his bonds approved.

164. *Deposits on relinquishing office.*—The receiver of public moneys must deposit to the credit of the Treasurer of the United States on account of various funds—"Sales of public lands," "Fees and commissions," etc.—all moneys which are earned at the time of relinquishing his office, and he should deposit to his official credit, as receiver of public moneys, all "unearned moneys" on hand at that time.

165. *Fractional accounts.*—The receiver must render fractional quarterly account when necessary up to and including his last day in office.

166. *Death of receiver.*—In case of vacancy caused by death of the receiver his final accounts should be prepared and certified to by the register as shown by the records.

(For vacancy in office see 9 L. D., 365; 12 L. D., 297; and 26 Stat., 657.)

167. *Disbursements.*—No payments will be made by the receiver as special disbursing agent of the land office for any salaries or expenses that may have accrued for a fractional month, except semi-

monthly payments to clerks on the 15th, but he will deposit all balances of moneys advanced him as such officer less outstanding checks to the credit of the Treasurer of the United States on account of the various appropriations from which advanced. Care should be observed that the certificates of deposit issuing for such deposits clearly show the appropriations. Unpaid claims should be forwarded to the General Land Office for settlement.

168. *Entrance on duty and instructions.*—When a receiver is notified that his bonds have been approved he is authorized to receive, when he enters on duty, all “unearned moneys” which the outgoing receiver has been directed to transfer to him by his official check, and which, when received, he must immediately place to his credit as receiver of public moneys as “unearned moneys” with his official designated depository.

The new receiver must not return or apply any of this money until the list thereof, which his predecessor will forward with his final accounts, has been approved by the General Land Office, when it will be transmitted to him, and he will be duly notified as to its approval or any discrepancies therein and authorized as to the return or application of the amount covered thereby.

The incoming receiver should receipt to the outgoing receiver, in duplicate, for receipt blanks, by numbers, one copy of which should be forwarded with the final accounts of the outgoing receiver.

SPECIAL DISBURSING AGENTS.

ACCOUNT CONSISTS OF WHAT.

169. The account of a disbursing officer consists of a complete, continuous, itemized record of his receipts and disbursements (the latter term being herein used to include expenditures and deposits to personal credit), as shown by his bond, requisitions, abstracts of collections, checks, vouchers, subvouchers, cash receipts, abstracts of expenditures, accounts current, and cash account, which will be considered in the order named, and the account for any specific period should include only such fiscal transactions as are completed within that period, as evidenced by the dates appearing on checks, cash receipts, accountable warrants, and certificates of deposit.

ACCOUNT BEGINS WHEN.

170. A disbursing officer's account under any bond must begin from the date of *approval* of such bond by the Secretary, without reference to the date on which funds may be advanced thereunder, except that in cases where a bond given in connection with a particular appointment is approved prior to the date on which such appoint-

ment becomes effective, the account should begin on the date the appointment is to take effect.

RECEIPTS.

ADVANCES.

171. *Authority for.*—Advances of public money to disbursing officers are authorized by section 3648, Revised Statutes.

172. *Conditions precedent.*—Before an advance of public funds can be made to any officer or employee of this bureau he must execute a bond for the careful discharge of his duties and the faithful disbursement of and an honest accounting for all moneys, public funds, and property coming into his hands, and such bonds must be approved by the Secretary of the Interior. And, if funds are already in hand under a former bond he must deposit such balance and close his account.

173. *Requisitions.*—When a disbursing officer has filed a proper bond and with it the three cards showing his autograph signature, he may make requisition for an advance of public funds. This requisition must always be made on Form 4-531, must be mailed without other inclosure except in cases where a letter of explanation is necessary, and must show the following facts:

- (a) The date of the bond under which the advance is requested.
- (b) The balance under each appropriation on the date the requisition is transmitted.
- (c) The total balance on hand.
- (d) The amount requested under each appropriation.
- (e) The total amount requested.

174. *Requisitions, special cases.*—Special disbursing agents who make requisition for funds from the appropriation for "Deposits by individuals for surveying public lands" should show the specific amounts to be used in connection with mineral or agricultural surveys and in connection with railroad surveys, giving the initials of the railroad company in connection with the latter. And whenever the terms of a general appropriation allow the use of not to exceed a maximum named for some specific purpose requisitions for any amounts to be used for the specific purpose must indicate the amount requisitioned for such specific purpose. A failure to enter the balance on hand under each and all appropriations, or to give any other information hereinabove required, will result in a delay in the advance of funds.

175. *Requisitions, funds of other bureaus.*—If requisitions include a request for funds of some other bureau set aside for use by this office, two memorandum copies should be furnished, but if a separate request is made for funds of the other bureau one memorandum copy

only is required. Requisitions for Indian moneys should cite the Indian Office authority, as, for example (Land—Allotments, C. E. F., 32191-15, March 26, 1915).

176. *Requisitions made special.*—All requests for funds are made special by this office and are promptly forwarded through the Secretary of the Interior to the Treasury Department for the issuance of warrant.

177. *Notice of advance.*—A copy of the requisition made by this office is in each case forwarded to the disbursing officer as notice to him of the fact that the original of such requisition has been forwarded to the Treasury Department.

178. *Make requisition early.*—As there will necessarily be some delay in view of the large number of requisitions received in the Treasury Department each quarter, disbursing officers should mail their requests in sufficient time to permit of their reaching this office at least 10 days before the funds are needed.

179. *Funds not to exceed bond.*—Funds can not be advanced in excess of the amount of the disbursing officer's bond, and he should in no case make requisition for an amount which, added to the total of the balance on hand from all appropriations, would exceed the amount of his bond.

180. *Appropriation titles.*—Treasury regulations require that the titles of appropriations, as shown in all estimates, disbursements, accounts, and vouchers, shall be exactly as such titles appear on the books of the Treasury. These titles are correctly shown on the memorandum copy of the requisition mailed to the disbursing officer, and he should use such memorandum copy in posting the amounts to the several appropriations, being very careful to credit the United States with amounts under the exact titles as reported to him.

181. *Fiscal year an important part of title.*—The fiscal year is an important part of the title of annual appropriations and should in no case be omitted. Appropriations are ordinarily made for a specific fiscal year, ending in each case with June 30, and the appropriation is available for payment of expenses incurred or services rendered during the fiscal year ending with June 30 of the year shown in the title. For example, "Protecting public lands, timber, etc., 1918," indicates that the appropriation was made for the payment of services rendered or articles purchased in accomplishing the object indicated during the fiscal year beginning July 1, 1917, and ending June 30, 1918.

While the same quantity of supplies may be purchased in June as would under the same needs of the service be purchased in any other month, notwithstanding the fact that such supplies may not all be consumed during that month, no additional quantity should be purchased for the purpose of using an unexpended balance of annual

appropriations. (Sec. 3690, R. S.; 6 Comp. Dec., 818; 7 Comp. Dec., 793.)

182. *Fiscal year*.—When title includes two.—The use of two years as a part of the title of an appropriation indicates that the appropriation is available from the date of the approval of the act to the end of the succeeding year. For example, the appropriation for "Classification of lands involved in Oregon & California Railroad forfeiture suit, 1917 and 1918," was available from April 17, 1917, the date of the passage of the act, till June 30, 1918.

183. *Check books*.—Requisition in duplicate on Forms 1231 and 1231a for a supply of checks sufficient in each case to last six months should be made on the Secretary of the Treasury, allowing six weeks for printing and delivery in normal times.

184. *Depository*.—All funds advanced to disbursing officers are placed to their official credit with the Treasurer of the United States, on whom all checks should be drawn and with whom all public funds should be deposited, deposits being made through convenient designated United States depositories.

185. *Embezzlement*.—Every officer or agent of the United States who deposits, converts, loans, withdraws, transfers, or applies public money in any manner, except as authorized by law, is deemed guilty of embezzlement, and is liable to a heavy fine and imprisonment. (Secs. 5488, 5491, and 5492, Revised Statutes.)

186. *Official credit defined*.—Whenever funds are placed or deposited with the United States Treasurer to the credit of a disbursing officer, and subject to his official check as such, the deposit is said to be to his official credit. Any amount collected or conceded pertaining to a current appropriation should be deposited to official credit (Form 6599) in accordance with section 3620, Revised Statutes, Treasury Circular No. 102, 1906, and Treasury Circular of January 18, 1913. Credit for such deposits should *not* be claimed in the account current.

187. *Personal credit defined*.—Whenever a special disbursing agent deposits an amount to the credit of the Treasurer of the United States on Form 1A, not subject to his official check, the deposit is said to be to personal credit. Any amount collected or conceded pertaining to an appropriation not then current or belonging to "Miscellaneous receipts" should be deposited to personal credit. Certificates of deposit for "Miscellaneous receipts, proceeds of Government property," should have indorsed on the back a detailed list of the property sold. Credit for deposits to personal credit only should be claimed in the account current.

COLLECTIONS.

188. In addition to the amounts advanced by Treasury warrant, special disbursing agents may occasionally receive funds from other

sources, such as for the sale of Government property (collections from which should be deposited to personal credit on account of "Miscellaneous receipts, proceeds of Government property"), refund on mileage or scrip books (which should be deposited to official credit if the appropriation is current, and to personal credit if it is not current, on account of the appropriation from which the books were originally purchased).

189. *Amounts recovered or withheld from carriers.*—Moneys recovered from common carriers, whether in cash or by deduction, for value of lost or damaged property, should be covered into the Treasury as miscellaneous receipts on account of "Proceeds of Government property." (Secs. 3617 and 3618, Revised Statutes; 22 Comp. Dec., 379, 703.)

190. *Expense of sale to be deducted.*—Whenever the sale of Government property is authorized and there is an expense in connection with such sale the expense, supported by proper subvouchers, should be deducted from the gross receipts and the net proceeds only should be deposited to personal credit under "Miscellaneous receipts, proceeds of Government property." The officer conducting the sale or receiving the proceeds thereof should furnish the following certificate:

I hereby certify that the above statement is true and correct, and represents the actual amount received and expended.

(Treasury Circular 6, Jan. 9, 1897.)

191. *Abstracts of collection.*—For any collection made by a disbursing agent "Abstracts of collection" (Form 4-106b) must be rendered in duplicate, on which should be shown the date of receipt, the name of the party from whom received, the amount, and the appropriation or fund to be credited. Collections from different funds should be kept distinct.

192. *Receipts for office work.*—Moneys received by the United States surveyors general for work to be done in their offices should be accounted for in accordance with Circular No. 483, dated June 29, 1916.

DISBURSEMENTS.

EXPENDITURES.

193. *Advance decisions by comptroller.*—Section 8 of the act of Congress approved July 31, 1894 (28 Stat., 208), provides:

Disbursing officers, or the head of any executive department, or other establishment not under any of the executive departments, may apply for and the Comptroller of the Treasury shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the Auditor and the Comptroller of the Treasury in passing upon the account containing said disbursement.

All requests for decisions by the comptroller must be submitted through the Secretary of the Interior.

194. *Conditions precedent to.*—The conditions necessary before a disbursing officer may pay any claim are that he shall have filed a bond; that the bond shall have been approved by the Secretary; that he shall have made requisition on this office for an advance of funds; that this office shall have requested the Treasury Department to make such advance; that the necessary amount from the particular appropriation shall have been placed to his official credit with the United States Treasurer; that he shall have knowledge of the funds being so placed; and that a voucher made up in the prescribed form shall have been presented to him for payment. (Secs. 3623 and 3678, Revised Statutes; 4 Comp. Dec., 317, 568; Comp. Dec., Sept. 23, 1908.)

CHECKS.

195. *In general.*—Payments should be made by check unless it is impracticable to make payment in that manner; the checks to be numbered in the order in which they are drawn, beginning with No. 1 for the first check and continuing in one series so long as the officer or employee continues as a disbursing officer (checks are numbered when printed in accordance with officer's requisition—Form 1231); each check should bear the date on which it is drawn; should be in favor of the party, by name, to whom the payment is to be made (except when drawn for cash under paragraph 301); should agree in amount with the voucher in payment of which it is drawn; must show on the face or back "the object or purpose to which the avails are to be applied," the purpose being clearly but briefly indicated in some such form as "Pay," "Pay roll," "Purchase of subsistence," "Purchase of supplies," "Pay and expenses," etc.; and must be identified with the voucher upon which it is issued in payment by having noted thereon the number of the voucher. (For outstanding see par. 312.)

196. *Check stubs.*—The title of the appropriation should be noted on the check stub, together with the date, name of payee, and voucher number, but it is not necessary that the appropriation should be shown on the check.

197. *Issuing duplicate checks.*—Immediately upon the loss of a check, the owner, to better protect his interest, should, in writing, notify the office or bank on which it was drawn of the fact of such loss, stating the name of the disbursing officer or agent by whom it was drawn, describing the check—giving, if possible, its date, number, and amount—and requesting that payment of the same be stopped. The disbursing officer or agent who issued the original check should also be notified. The necessary instructions relative

to the issuance of duplicate checks (Treasury Circular Form 1343, Apr. 14, 1916) and blank indemnity bond may be obtained on application to this office. (Secs. 3646—as amended and reenacted by acts of Feb. 23, 1909, and Mar. 21, 1916—and 3647, Revised Statutes.)

198. *Spoiled or canceled checks.*—Spoiled or canceled checks should be sent quarterly direct to the auditor for preservation and future reference.

VOUCHERS IN GENERAL.

199. *Forms of vouchers.*—A voucher made up in the prescribed form may be a "Voucher for personal services" (Form 4-665a), a "Pay-roll voucher" (Form 4-112), a "Voucher for services and traveling and other expenses" (Form 4-152), a "Voucher for witness's services" (Form 4-665e), a "Voucher where testimony is taken by deposition" (Form 4-665d), or a "Voucher for purchases and services other than personal" (Form 4-665b). These vouchers will be discussed later in the order named.

200. *To be in favor of claimant—Assignments void.*—All vouchers must be stated in the name of the person, company, or corporation rendering the service, and checks drawn by disbursing officers in payment of such vouchers must be in favor of the party, by name, to whom the payment is to be made, and payable "to order," the assignment of claims upon the United States being prohibited by section 3477, Revised Statutes.

201. *To be filled in before signature.*—All vouchers must be completely filled in by the payee, or before signature by the payee, without alteration or erasure at any time; and all vouchers (except vouchers for personal compensation for services rendered under the personal supervision of some administrative officer and so certified by him, and vouchers for services and traveling and other expenses) must be certified by the claimants as correct and just.

202. *Signature to.*—Each voucher must be signed with the full name of the payee and, if signed by an agent, with the full name of his authorized agent, the relation of the agent to his principal being shown in all cases where a voucher is signed by other than the payee. When a voucher is signed in the name of a firm, company, or corporation, the name of the person writing the firm or corporate name, as well as the capacity in which he signs, must appear, and if a signature is made by mark, the mark must be witnessed by a disinterested party.

203. *Certifying officer.*—All vouchers, before payment by a disbursing officer, must be certified to as correct by some administrative officer, such as United States surveyor general, supervisor of surveys, assistant supervisor of surveys, United States surveyor or transitman, register or receiver of United States land office, chief of

field division, special agent, mineral examiner, timber cruiser, practical miner, detailed clerk, etc.

204. *Approving officer.*—The commissioner is approving officer for expenditures from any appropriation under his control; surveyors general are approving officers for vouchers covering the salaries and expenses of their several offices; the supervisors of surveys and assistant supervisors are approving officers for vouchers pertaining to surveys in the field, and it is required that all such vouchers shall receive the approval of one of these officers; registers and receivers are approving officers as to the expenses of their own offices, and chiefs of field divisions are the approving officers for the expenditures in their respective divisions. Ordinarily when a voucher would be approved by the same officer that has certified to the service represented thereby his signature on the same voucher as an approving officer is not required. The approval of a voucher by a disbursing officer serves no purpose whatever; they are not approving officers. The space for approval on vouchers sent to Washington, D. C., for direct settlement must be left blank by the usual approving officers in the field, because such vouchers must be approved by the commissioner or assistant commissioner.

205. *Numbering.*—Vouchers should be numbered in the order in which they are paid, without reference to the character of the voucher, the period of service covered, the appropriation chargeable, or whether the voucher is supplemental to one already paid. The first voucher paid by a disbursing officer during a fiscal year will be numbered 1 and the others in numerical order in a single series throughout that fiscal year. The filing of a new bond during the year in no way affects this series of numbers.

206. *Appropriation to be shown on voucher.*—The full and correct title of the appropriation chargeable must be indorsed in the proper place at the top of each voucher and each memorandum copy thereof, and if a voucher is chargeable to two or more appropriations the title of each appropriation must be shown, together with the specific amount chargeable to each appropriation. In the latter event the time chargeable to each or other facts controlling the division between the appropriations must be shown on the voucher or in a statement attached thereto.

VOUCHERS FOR PERSONAL SERVICES.

207. *For personal service, including pay rolls.*—A payment to one individual for personal services should be supported by a "Voucher for personal services" (Form 4-665a), and, where several employees are paid at one time, as at the end of the month or at the close of a particular period, a "Pay roll voucher" (Form 4-112) should be used. Services of the entire office force, or of the field party, for a

particular period may be listed on a single "Pay roll voucher," although chargeable to several appropriations, if the names are grouped according to appropriations. Whichever form of voucher is used it should not cover services in more than one month.

208. *Pay roll vouchers, etc.—Must show what.*—Vouchers covering personal services must show the name (first name, middle initial, and surname, or first initial, middle name, and surname—John M. Doe or J. Marcus Doe), the dates, inclusive, of service, the rate of compensation, and the amount, and, if there are any days excepted from the number included in the dates inclusive of service, the specific days excepted must be shown. Care should be taken that on the first voucher an employee's name (especially field assistants) shall be written fully, correctly, and legibly, and that on each succeeding pay roll the name shall be entered in the same manner, or explanation made as to the reason for any change. Do not write John M. Doe one time, J. Marcus Doe another, or John Doe, Mark Doe, J. M. Doe—write the names uniform on all vouchers.

209. *Payee's certificate omitted.*—If vouchers covering personal services are rendered without the certification of the payee under paragraph 3 of the Treasury Circular No. 52, dated July 29, 1907, which provides "that vouchers for personal compensation for services rendered under the personal supervision of some administrative officer and so certified by him, need not be certified by the claimant, provided the voucher describes specifically the position, the rate of compensation, and the period covered," those conditions must be fulfilled. The term "assistant" does not describe specifically the position of an employee.

210. *Personal service defined.*—The comptroller, in Treasury Circular No. 36, June 21, 1911, defines personal services as "services which are personal in character—that is, which consist in acts of particular persons, performed by virtue of a contract (express or implied), or by virtue of the existence of an official relation, which places the skill or ability of the persons rendering such services under the continuous direction and control of another (employer or official superior) during the period of service * * *"

211. *Computation of salaries.*—The act of Congress approved June 30, 1906 (34 Stat., 763), providing for computation of annual or monthly compensation, has been construed by the comptroller under date of March 24, 1917 (23 Comp. Dec., 793), as requiring that—

1. Each calendar month shall consist of 30 days, and the computation of salary shall be by each month separately, one-twelfth of an annual salary constituting the compensation for each month.
2. One-thirtieth of a monthly installment of salary is to be allowed for each day of service from the 1st to the 30th, inclusive. The last day of February counts as three days of service for pay purposes (two days in leap years).

3. The 31st day of a month enters into the computation of salary only where there is *one day's* absence in a nonpay status on that day—that is, absence in a nonpay status did not occur also on the 30th. For such absence on the 31st one day's pay is forfeited.

212. *Per diem rates of compensation.*—The above method of computation applies only to annual or monthly compensation of persons in the service of the United States and not to per diem rates of compensation, rents, or livery, which are explained in paragraph 299. Except where otherwise specified field employees at a per diem rate of compensation will be allowed payment for Sundays and legal holidays included within the period of service.

213. *Rate in Alaska.*—An employee who receives a higher rate of compensation or per diem in lieu of subsistence while in Alaska is not entitled to such higher rate before arrival at an Alaskan port in going nor after departure from an Alaskan port in returning, and all vouchers including the commencement or completion of a period at the higher rate must show time of arrival at or departure from Alaska.

214. *Oath of office.*—Section 1757, Revised Statutes, as amended by section 2 of the act of Congress approved May 13, 1884, provides that “any person elected or appointed to any office of honor or profit either in the civil, military, or naval service of the United States,” shall take and subscribe the following oath:

I, A. B., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

215. *Oath to be filed before payment.*—The comptroller has held (4 Comp. Dec., 95) that a person employed or appointed to any position not created by law and payable from a general appropriation is not an officer within the meaning of section 1757, Revised Statutes, and that, therefore, the taking of an oath in such cases is not a condition precedent to the right of compensation. However, as the regulations of this department require all classified employees to take an oath of office in form as above quoted, disbursing officers are not authorized to make payments to such employees until the required oath has been filed.

216. *Services before taking oath.*—As soon as the necessary oath has been filed payment of compensation may be made from the date of entrance on duty notwithstanding the fact that the oath may not have been taken until some time subsequent to the date of entrance on duty.

217. *Expense of taking.*—In no case is an employee entitled to reimbursement for the expense incident to taking the oath of office.

218. *Salaries of statutory clerks.*—The salaries of clerks, chiefs of divisions, etc., of this office are paid by the chief disbursing clerk of the department on a pay roll certified by the Secretary on a certificate from this office as to the changes in the office force during the month, and no other disbursing officer should pay salaries of any such employees unless he is specifically directed to do so.

VOUCHERS FOR SERVICES AND TRAVELING AND OTHER EXPENSES.

219. *Traveling expenses—Only actual to be allowed.*—The act of Congress approved March 3, 1875 (18 Stat., 452) provides:

That hereafter only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision.

220. *What may be reimbursed.*—The Comptroller of the Treasury in a decision dated July 29, 1905 (12 Comp. Dec., 48), holds that:

Employees are not entitled to reimbursement for expenses of the Government paid by them out of their private funds, except where such expenditures were for services engaged or articles purchased under stress of urgent and unforeseen public necessity or for personal traveling expenses.

A field employee of the General Land Office may be reimbursed as a part of his personal traveling expenses, for expenditures made by him for guides where their services were necessary and their employment occasional and temporary.

A field employee of the General Land Office is not entitled to reimbursement for expenditures for "assistants" unless it appears that they were employed under urgent and unforeseen public necessity, and that such employment did not continue for any considerable period of time.

221. *Traveling expenses defined.*—Unless otherwise provided by law, the expenses of all officers or other persons traveling on duty or other public business for or on account of this office shall be confined to actual and necessary traveling expenses as hereinafter defined.

222. *Authority for.*—All travel expenses shall be either authorized or approved in writing by the department, by this office, or by some subordinate officer to whom such authority has been properly delegated, and, except as provided in paragraph 223 following, the authority shall be issued prior to the incurrence of the expense; shall specify the travel to be performed as definitely as circumstances will permit, and shall be attached to the voucher for reimbursement or (if on file in the auditor's office) be referred to therein.

223. *Approvals.*—(a) Whenever the travel is a necessary and regular accompaniment of the office or place to which an appointment has been made and the general classes of the expense to be allowed are

governed by law or are specified in the appointment, or (b) whenever the expense has been incurred on account of an emergency, the approval by this office shall be sufficient authorization. However, all vouchers for reimbursement on account of emergency travel without prior authorization must be accompanied by full and satisfactory explanation of the facts constituting the emergency.

224. *Headquarters.*—The selection of official stations and the assignment of temporary headquarters is placed under the control of the commissioner, subject to revision by the Secretary on his own initiative or upon application of an interested party. The official stations of chiefs of field divisions have been definitely established and special agents, mineral examiners, timber cruisers, practical miners, and other employees in that branch of the service are to be considered as having their official headquarters with the chiefs of their respective divisions. The official station of the supervisors of surveys is Denver; and the official stations of the assistant supervisors of surveys, surveyors, and transitmen are with the surveyors general of the States to which they may be assigned or such other quarters as may be authorized or designated within that city. Field assistants to surveyors will not be assigned headquarters.

225. *Change of headquarters.*—Employees may be ordered from one division or district to another from time to time and the headquarters of the division or district to which they are assigned will be their headquarters while engaged in such division or district. However, if it is known in advance that the new assignment is purely temporary and that the employee will return to his old headquarters at its termination, and his travel orders state specifically in advance that his headquarters will remain unchanged during the period of detail, his headquarters will remain the same.

226. *Route.*—All travel performed on official business must be by the shortest practicable route, unless otherwise authorized, and without any unusual or unnecessary delay. The route shall be carefully arranged to avoid unnecessary duplication of travel. When diversion from the shortest practicable route is permitted, the extra expense to be borne by the traveler, the charges for meals shall be limited to the meals which ordinarily would have been taken had the shortest route been traveled, and the extra time consumed shall be charged as annual leave or leave without pay.

227. *Limitations and specific exceptions.*—Certain limitations on, or specific exceptions to, the general rules governing travel expenses and allowances may here be noted:

Assistants such as are enumerated in paragraph 254 are entitled to sleeping car accommodations, provided the Government is not charged with more than \$3.50 for one day for such accommodations and subsistence combined. The principal assistant and assistant

chainman may be transported from the headquarters of the State or from their home, if within the State, to the field; other subordinate assistants may be transported from the outfitting point or from the nearest town thereto (not distant from the field more than 50 miles by rail); and those assistants who remain to the close of the season's work may be returned to the point from which they were originally transported. The two assistants first named may be transported from one group to another within the State and the other assistants may be so transported when the distance in each case is no more than 50 miles by rail. Assistants other than the first two may not be transported a distance greater than 50 miles by rail, except (a) in cases where specific and special authority is granted, and (b) in cases where such assistants are employed on one group and taken by successive stages to other groups each no more than 50 miles by rail from the next preceding and, having remained to the end of the season, are then entitled to transportation back to the point from which they were transported, without reference to the distance. If in rare instances cases arise in which it is impossible to engage assistants at the rate of compensation stated in paragraph 254 a statement of the facts in the particular case should be transmitted to this office through the proper channel (assistant supervisor and supervisor of surveys) and authority for paying a greater amount asked, and, if cases should arise in which assistants can not be employed with such travel allowance as is authorized by this paragraph, the facts should be stated by or through the assistant supervisor to the supervisor of surveys who, if the facts seem to warrant, may authorize transportation for a greater distance within the State. Should the emergency in either case be such as to preclude the possibility of securing previous authorization the nature of the emergency should be clearly set forth in writing as directed by paragraph 252.

228. *Daily reports.*—All detailed clerks and other employees not in the surveying force (who render weekly reports) or regular field service (who submit daily reports) will render daily reports for all periods of service outside of the District of Columbia, adapting Form 4-509, in accordance with circular of September 30, 1916.

Expense vouchers will not be approved until reports for all the days covered thereby are received in this office.

229. *Travel expense—On entrance on duty.*—Field employees, the nature of whose duties ordinarily require them to travel on duty, whose appointments are signed by the Secretary or the commissioner, will be allowed traveling expenses to their respective divisions or districts, and may, in the discretion of the commissioner, be allowed traveling expenses in returning from the field on separation from the service or on indefinite furlough without pay.

All other employees must place themselves at the place of official duty at their own expense, unless, when employed under lump-sum appropriations, other provision is made as to the payment of traveling expenses as a part of their compensation in their contract of employment and except as herein otherwise provided. Agreements to pay traveling expenses must be made in advance of the incurrence of the expense, and only after authority to enter into such agreements has been properly delegated.

230. *Travel expense—On change of station.*—A person who is away from his official station on his own business or pleasure must, at the expiration of his leave of absence, report to his station, and if during the absence the station is changed, and the expenses of travel to the new station are not greater than those of return to the former station would have been, there can be no allowance of traveling expenses to the new station. Reimbursement can be allowed for the excess only of the distance from the place of receipt by him of his order to his new station over the distance to his old station. (7 Comp. Dec., 84; 8 Comp. Dec., 190.)

A clerk detailed to temporary duty in the field while on leave of absence is entitled to reimbursement for traveling expenses from the place where he receives his instructions to travel to the place to be visited and return to the place where his instructions were received. (Comp. Dec., Jan 18, 1915; Jan. 27, 1916.)

ALLOWABLE TRAVELING EXPENSES.

TRANSPORTATION.

231. *Railroad, steamer, and other fares.*—Fares upon railroads, stage coaches, steamers, packets, or other usual modes of conveyance. Charges for fares on steamers, packets, or other means of travel by water must show whether meals or lodging, or both, were included without increase of fare over the lowest first-class rate. (For meals on boats see par. 246; for excess fare on trains see par. 252.) Through tickets, excursion tickets, and round-trip tickets must be purchased whenever practicable and economical. (For transportation request see pars. 274-276; for mileage and scrip see pars. 276-281.)

232. *Excess baggage.*—Charges for excess baggage, when the extra weight consists of public property or private property to be used for public purposes. Such charges must be explained. When practicable, excess baggage should be forwarded by freight or express, and if prior authority is procured may be covered by Government bill of lading. When using bill of lading a consignor must deliver shipping order to agent of receiving carrier, send original by first mail to consignee and send blue memorandum copy by first mail to

this office (except such as must come through a surveyor general). Mailable articles should be forwarded by mail under penalty label by the Government officer or employee.

233. *Special conveyances.*—Hire of special conveyances, such as taxicabs or other automobiles, livery, or boat, only when no public or regular means of transportation are available and the necessary incidental expenses connected therewith, such as feed and stabling of horses and the subsistence of driver, ferriage, and tolls. Also services of and subsistence of guide when no driver is employed. If the charges for special conveyance include feed and stabling of horses and subsistence of driver, or any such items, the principal voucher or subvoucher must so state. The advantage and economy of hiring automobiles instead of teams must be shown in connection with all charges for auto hire, and the maximum amount that may be paid by special disbursing agents without specific authorization by the commissioner is \$20 a day for hire of each auto. If in rare cases it is necessary to exceed this rate the excess amounts must not be paid until full explanation has been submitted to the commissioner and receives his approval.

234. *Transfer of self and baggage.*—Fares on street car, transfer coach, omnibus, or other vehicle and the transfer of baggage. A charge not to exceed 50 cents for either transfer coach or omnibus, or for the transfer of each piece of baggage, if within the customary rate, will be allowed. Payment in excess of this amount must be explained in writing, and *street cars must be used when practicable.*

235. *Checking and handling of baggage.*—Charges for checking or portage of hand baggage at hotels and stations, not exceeding 10 cents for each piece.

236. *Steward fees and steamer chairs.*—Customary fees to stewards and others on steamers, as follows: For an ocean trip, not exceeding a total at the rate of \$1 per day or fraction thereof; on coastwise steamers, not exceeding 50 cents per day; rent of steamer chair, not exceeding \$2. On ocean and coastwise steamers, where meals are not included in the cost of passage, fees to dining-room stewards and dining-room waiters must be included as a part of the maximum daily allowance for subsistence. Fees to porters and cabin or deck stewards on such vessels will be deemed expenses of transportation.

237. *Pullman fares and state-room accommodations.*—Sleeping-car fare for one double berth, customary state-room accommodations on steamers and other vessels, and fare for one seat for each person in sleeping or parlor car. The subordinate assistants mentioned in paragraph 254 are not entitled to parlor car or seat fare and are entitled to sleeper fare, provided the Government is not charged with more than \$3.50 for one day for such accommodations and subsistence com-

bined. Pullman charges must specify whether for a seat or upper or lower berth, and whether for standard or tourist service.

238. *Porter fees.*—Porter fees on sleepers must not exceed 25 cents per night. Porter fees on sleeping cars used in the daytime or in parlor cars or chair cars must not exceed 15 cents per trip.

SUBSISTENCE.

239. *Maximum amount allowed.*—Act of Congress approved April 6, 1914, provides that:

On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties.

Therefore, except where otherwise expressly provided by law, subsistence items hereinafter defined in paragraphs 240 to 243 may not be allowed in excess of \$5 per day. While in camp surveyors and their assistants will be subsisted from Government stores; such employees in Alaska will, when going to or returning from the field, be allowed reimbursement up to this maximum in cases where a lower rate can not ordinarily be obtained; in the States the maximum for surveyors and their assistants is \$3.50 per day, while going to or returning from the field. No employee is allowed subsistence, reimbursement therefor, nor a per diem in lieu thereof while at his official headquarters or at his home, unless his presence in his home town is made necessary in the performance of field duties.

240. *Meals and lodging.*—Meals and lodging when the detention away from headquarters is incident to or necessary for the performance of the duties for which the travel is ordered, and necessary meals en route, but for no items of refreshment other than the ordinary food provided for travelers. Charges for meals must be itemized by meal in every instance.

241. *Waiters' fees.*—Fees to waiters at hotels or on dining cars or boats not exceeding 10 cents per meal or 30 cents per day.

242. *Baths.*—Charges for baths not exceeding 25 cents each while absent from designated headquarters.

243. *Telegraph expenses.*—Charges for telegrams reserving hotel accommodations.

244. *Per diem in lieu of.*—Supervisors of surveys, assistant supervisors of surveys, the chief of field service, chiefs of field divisions,

special agents, mineral examiners, timber cruisers, and practical miners are allowed \$3.50 per diem in lieu of subsistence when engaged in field work or traveling on official business outside the District of Columbia and away from their designated posts of duty, and of these, those employed under protecting public lands, timber, etc., will, while on duty in Alaska, receive \$5 per diem under the same conditions. During leave of absence that may be granted no subsistence or per diem in lieu thereof will be allowed from the date that such leave begins to the day that the employee again enters upon active duty in a travel status.

245. *To include what.*—Per diem in lieu of subsistence is held to be in lieu of the items mentioned in paragraphs 240 to 243, and no charges for any other items of subsistence will be allowed.

246. *On board boats.*—No per diem in lieu of subsistence will be paid during travel on a boat when the charge for transportation includes meals and berth, but reimbursement for other authorized items of subsistence not included in the charge for transportation may be allowed.

247. *Fractional days.*—The allowance of per diem in lieu of subsistence being dependent upon absence from official headquarters or designated posts of duty, if the traveler leaves his headquarters before 12 o'clock noon, to be absent on duty the balance of the calendar day, he will be allowed the whole per diem, and when returning to headquarters after traveling from midnight, if he arrives after 12 o'clock noon he will also be entitled to the whole per diem, but if in departing he leaves after noon or in returning arrives before noon only one-half of the per diem will be allowed.

If a traveler leaves headquarters any time during the day and returns thereto before midnight, only one-half of the per diem will be allowed.

Per diem will be allowed for days on which the traveler boards or departs from a boat when the charge for transportation includes meals and berth, exactly the same as if the boat were his headquarters. When the whole or half per diem is allowed, no other items of subsistence are allowable for that day.

One-fourth of the per diem allowance shall be deducted for each meal taken in a Government-maintained camp.

Travel expense vouchers shall show the hour and date of each departure from and arrival at headquarters, and each embarkation or disembarkation, and state specifically the meals taken in a Government-maintained camp during the period for which they are stated.

MISCELLANEOUS EXPENSE.

248. *Telegraph service.*—Telegrams and cablegrams on official business at Government rates. Night service should be employed when

practicable. Telegrams should be sent as "paid" messages—that is, chargeable to the sender—should be signed by him, and should be marked as follows:

Official business: Government rate. Charge General Land Office. Card No.

Classified employees authorized to travel on duty, as well as surveyors general, are supplied with Western Union and Postal Government rate cards, and their card numbers should be shown on the original messages. If compelled by force of circumstances to pay for the telegram, the necessity therefor should be explained in writing. Charges for telegrams and cablegrams must be accompanied by copies of messages, marked to show whether sent at day or night rate.

249. *Telephone service*.—Reasonable charges for the use of telephones on official business. Charges for long-distance calls should show with whom the communication was held and the points between which the service was rendered.

250. *Freight and express*.—Freight and express charges on shipments in connection with official duties in the field, when it is necessary to make payments from private funds, but all such charges must be supported by a statement to the effect that no Government bill of lading was used. Express and freight receipts must be furnished for all such charges, regardless of the amount, showing weight and rate.

251. *Incidental expenses*.—Charges for ink, mucilage, library paste, and typewriter oil (but for no other items of stationery), and charges for other miscellaneous items of expense peculiar to the exigencies of the work on which employed, such as kodak supplies, developing and printing in connection with cases under investigation. Charges for registry or post-office money-order fees when official business demands either.

252. *Emergency expenditures*.—Emergency expenditures not enumerated in the foregoing classes, such as payment of extra fares on limited trains when delay would injuriously affect the public interests. In connection with all emergency charges full authority for which does not previously exist the nature of the emergency must be clearly set forth in writing and must receive the approval of this office or of the subordinate officer to whom such authority may have been delegated.

253. *Field party expense*.—Surveyors in charge of parties are authorized to hire (under proper supervision) the assistants named in paragraph 254; to procure or otherwise arrange for their subsistence en route; to purchase the supplies, utensils, and other minor articles necessary for subsisting them in camp, for maintaining such camp, and for the proper conduct of the surveying work; and to hire

the necessary transportation equipment when no Government animals or wagons are available. When such service is temporary and it is impracticable to have them paid by a disbursing officer, expenses of this character may be paid from personal funds, subvouchers to be taken therefor in accordance with paragraphs 264 to 268, inclusive. Subvouchers for subsistence supplies for camp use must show the number of persons composing the field party for the use of which the supplies were purchased. Expenditures from personal funds for items enumerated in this paragraph must be limited strictly to those obligations which it is impracticable to have paid directly by a disbursing officer.

254. *Rates of compensation authorized.*—Compensation for the surveying service will be limited to the following rates:

Surveyor's principal assistant, teamster or packer, and cook for double party, \$60 per month each; assistant chainman, \$55 per month each; cook for single party, \$50 per month each; all other subordinate field assistants including axmen, cornermen, flagmen, rodmen, etc., \$45 per month each. In Alaska the following rates may not be exceeded except upon special authority from this office: Packers and cooks, \$105 per month when hired in Alaska, or \$90 per month when hired in the States and their fares paid to Alaska; others \$90 per month when hired in Alaska or \$75 per month when hired in the States and their fares paid to Alaska. Existing authority to exceed temporarily the above rates of pay is not to be disturbed by this more permanent regulation.

255. *Fees advanced to witnesses.*—Section 2 of the act of Congress approved January 31, 1903, providing for the compulsory attendance of witnesses in land hearings, provides "that witnesses shall have the right to receive their fee for one day's attendance in advance." When, therefore, an employee of this bureau serves a subpoena on a witness under the act mentioned and the witness at that time demands his fee for one day's attendance and mileage in advance, he may advance the amount from his personal funds, taking a subvoucher therefor, and claim reimbursement in his regular voucher for services and traveling and other expenses. Such items will be listed after the regular expense items, a space being left between, and the employee will indorse in parenthesis over the double line above "date" and "subvoucher number" the amount chargeable to the appropriation for "expenses of hearings in land entries," as "(Hearings \$2.85)."

256. *Items not allowed.*—Employees will not be allowed reimbursement for exchange paid for cashing drafts or checks received in payment of vouchers for services and traveling and other expenses, nor will they be allowed reimbursement for surgical or medical fees.

257. *Tax exemption.*—Payments by employees for freight, express, passenger, sleeping or parlor car, telegraph, telephone, and radio service, incurred in connection with official business, are exempt from the Federal tax imposed by act of Congress approved October 3, 1917 (40 Stat., 314). In cases of transportation, exemption certificate, Form 731, issued by the Commissioner of Internal Revenue (Interior Form 1-398) should be delivered to the conductor or agent in lieu of the tax. In other cases the employee should state that the matter is official business of the United States Government. A certificate should be made on vouchers containing such taxable items, as follows: "I certify that no war revenue tax is included in the above charges."

258. *Injuries to employees.*—Every civil employee receiving an injury while in the performance of duty should immediately seek first-aid treatment, and promptly make report of his injury to his immediate superior. Under act of September 7, 1916 (39 Stat., 742) he is entitled to receive reasonable medical, surgical, and hospital services and supplies, to be furnished by United States medical officers and hospitals where possible, and, during the period of total disability, compensation is payable at the rate of two-thirds of his monthly pay, but can not exceed \$66.67 per month. Annual or sick leave, when available, may be used in preference to compensation under this act. Claims under this act are to be settled by the United States Employees' Compensation Commission, Washington, D. C.

EVIDENCE OF EXPENDITURE.

259. *Memorandum of expenses.*—Every officer or other person traveling should keep a memorandum of the expenses incurred, noting each item as soon as payment is made.

260. *The principal voucher.*—All accounts for reimbursement on account of travel expense, or other expense the reimbursement of which may be authorized, shall be submitted on the regular voucher form (4-152) approved by the Comptroller of the Treasury; shall be itemized as fully as practicable and in accordance with paragraphs 269 to 273, inclusive, following; shall be supported by subvouchers, as required by paragraphs 264 to 268, inclusive, and shall include the services rendered and expenses incurred during a particular month.

261. *How verified.*—All travel-expense vouchers, except as noted below, must be sworn to in the manner and form prescribed by law or approved by the Comptroller of the Treasury.

As provided by section 8 of the act of August 24, 1912, affidavits may be executed before a postmaster, an assistant postmaster, a col-

lector of United States customs, a collector of United States internal revenue, the chief clerk of any department or bureau, or the clerk designated by him for that purpose; the superintendent, acting superintendent, custodian, or principal clerk of any national park or other Government reservation; the superintendent, acting superintendent, or principal clerk of any Indian superintendency or Indian agency; the chief of a field party, or a notary public who is in the service of the United States. The officers named are not permitted by law to make any charge for such service and no jurat fee will be allowed therefor.

Affidavits executed before any other officer who has been authorized to administer oaths for general purposes and whose signature is attested by an official seal will be accepted, but no jurat fee will be allowed.

262. *Affidavit may be omitted when.*—Where the employee is far removed from an officer before whom the oath can be taken, or where, by the taking of such an affidavit, the disclosure of the fact of the presence of a Government officer, agent, or employee at the particular place where such affidavit is taken will be detrimental to the public interests, the oath may be omitted and the account certified on honor as correct, provided the employee shows on the voucher over his signature the place and date of such certification on honor and the conditions which made it impracticable to make affidavit. In cases where the affidavit is omitted the employee should strike out "I do solemnly swear" and insert in place thereof "I certify on honor," and should sign such certificate, after which, on the lines provided for the officer's jurat, he should show the place and date of certification and the reasons which made the affidavit impracticable, which statement he should also sign.

263. *False accounts—Penalty.*—False or fraudulent representations in connection with the rendition of reimbursement or other accounts are unlawful, and the offender is liable to a heavy fine or imprisonment under the act of Congress approved March 4, 1911 (36 Stat., 1355).

264. *Subvouchers—Defined.*—A subvoucher consists of two parts, in both of which it must be complete: A receipt showing that a specific amount, written therein in words, was received on the date indicated from the party claiming reimbursement, and an account showing, if for purchases, the date of purchase and character, quantity, and price of the articles, and, if for services, the character of the service or capacity in which employed, dates inclusive of service, number of days, rate per day, or per meal, as the case may be, and amount.

265. *Subvouchers—To be filled in before signature.*—Subvouchers, like vouchers, must be completely filled in by the payee, or before signature by payee, without alteration or erasure at any time, and must be signed with the full name of the payee or his authorized agent, the relation of the signer to his principal being shown in such cases, and if a signature is by mark it must be witnessed by a disinterested party.

266. *Subvouchers—When required.*—Express and freight receipts will be accepted as subvouchers and must be furnished for all such charges. The weight and rate must be shown.

Copies of telegrams or of cablegrams will be accepted as subvouchers, and must be furnished in support of all such charges. The copy shall show whether the message was sent at day or night rate.

Subvouchers must also be furnished for all other charges in excess of \$1, except as noted below in paragraph 267.

267. *Subvouchers—When not required.*—(a) Subvouchers are not required for railroad or steamboat fares, sleeping or parlor car fares, taxicab fares (see pars. 233 and 234), nor for separate meals specifically named which were not taken in connection with lodging.

(b) Subvouchers will not be required when the taking thereof would disclose the identity of the traveler and the disclosure would be detrimental to the public interest, provided authority for their omission is granted by the Secretary, or by this office.

268. *Subvouchers—How stated.*—Subvouchers for hotel expense must state the beginning and ending of the full period of service and the rate by the day or week. The "day" shall be considered as beginning with breakfast and ending with lodging. Receipted bills on the regular billheads of the hotel are acceptable as subvouchers, provided they are properly made out to show the entire period and the services rendered.

Subvouchers for livery and other special transportation must describe the service hired, as "one horse and buggy," "two horses and wagon," "with driver;" state the quantity of service rendered, and the rate of compensation by the day, hour, or other unit, as may have been agreed. If the subsistence of driver or team is included in the cost of hire, that fact must be stated.

ITEMIZED STATEMENT OF EXPENSES.

269. *What shall be included in.*—Every item of expense incurred during a particular month must, in every case, be included in the voucher for that month; or, if omitted therefrom or deducted before payment, must be stated in a supplemental voucher for the month to which such expenses pertain, explanation being made in connection

with omitted items as to why they were not included in the original voucher.

270. *Manner of stating items.*—The items of expense shall be stated in the order in which they are paid, the date of payment being shown in the date column and the subvoucher number in the subvoucher column; each item should be carried out separately, except in the case of subvouchers each of which should be stated as one item, and each item should show (a) date of payment, (b) number of subvoucher, if any, (c) the name and address of payee, (d) the character of the service or capacity in which employed, (e) the dates inclusive of service where time is a factor, and (f) the amount, following carefully the sample given under paragraph 273. If an item is not supported by a subvoucher the charge in the itemized statement should set forth all the facts required of subvouchers except the payee's receipt. (See pars. 264 to 268.) In writing the itemized statement the lines should be at the intervals indicated on the blank and there should be no writing between the lines.

271. *When an assistant's expenses may be included.*—(a) When an employee is traveling on duty with assistants he may pay their traveling expenses from his personal funds and include such expenses in his own "Voucher for services and traveling and other expenses," supported by subvouchers where necessary, and (b) when a driver or other employee is detailed to a near-by town or railroad station for provisions, supplies, mail, etc., and in that connection expends money advanced him by his principal, for subsistence of himself and keep of team, such expense may be stated in the principal's voucher as though made by him direct. Subvouchers in such cases should be taken in the name of the principal, showing payment by the detailed employee as deputy.

272. *Assistants' expenses not included when.*—In all other cases every assistant or subordinate employee must state in his own name, supported by subvouchers and duly sworn to, a "Voucher for services and traveling expenses" for all items of expense paid by him that should be reimbursed by the Government.

273. *Sample itemized statement.*—In this sample no attempt is made to connect any charge with a prior one; each item must be considered as standing alone. The sample does not authorize any of the expenses represented, but when an employee has incurred an authorized expense he may refer to the sample as a guide for stating the charge in the approved form on his voucher. This warning is necessary because the sample covers items that would be proper for an employee with actual subsistence, but not for one who receives a per diem in lieu of subsistence.

Date.	Sub-voucher No.	Itemized statement of expenses.	Amount.
1918.			
July 6		D. & R. G. R. R., fare, Denver to Glenwood Springs, Colo.	\$10.00
6		Pullman Co., lower standard berth, Denver to Glenwood Springs.	2.00
6		Seat in parlor car, Alamosa to Denver.	.75
6		Alaska S. S. Co., fare, Seattle, Wash., to Valdez, Alaska.	45.00
6		Myrtle Point Stage Co., fare, Myrtle Point to Roseburg, Oreg.	7.00
7		D. & R. G. R. R., fare, Walsenburg to Pueblo, Colo., for assistants Chamberlain and Vandergift, at \$2.25.	4.50
8	1	Myrtle Point Stage Line, fare.	2.00
9	2	George Wills, Durango, Colo., livery hire, July 8-9.	10.00
9	3	George Wills, Durango, Colo., auto hire, July 8-9.	30.00
9	4	Harry Ross, Tanana, Alaska, hire launch, July 9.	10.00
9		George Wills, Durango, Colo., hire two horses and buggy, without driver, 9 a. m. to 11 a. m., July 9.	1.00
10		Howard Phillips, Newcastle, Colo., ferriage of self, two horses, buggy, and driver across Grand River.	1.00
10	5	Howard Phillips, Newcastle, Colo., ferriage, July 10.	1.50
10		Toll over Rifle and Meeker turnpike, Rifle to Meeker and return.	.75
10		The Barton Ferry, fare, Barton to Amity and return.	.50
11		Fee to porter on sleeper, Denver to Glenwood Springs.	.25
11		Fee to cabin boy, Seattle to Valdez.	.25
11		Fee to porter on parlor car, Alamosa to Denver.	.10
12		Transfer self and baggage, hotel to depot, Alamosa.	.25
12		Transfer baggage, depot to home, Denver (3 pieces).	.75
12		Street-car fares in Denver (3).	.15
13		Checking baggage at depot, Denver (2 pieces).	.20
13		Porterage on baggage at depot, Denver.	.10
14		Breakfast on dining car, Denver to Glenwood Springs.	.85
14		Fee to waiter on diner, breakfast.	.10
14		Foley's Cafe, Glenwood Springs, dinner, July 14.	.35
14	6	John Small, Starkville, Colo., B. & L. self and two assistants, 12B-13L.	18.00
15	7	James West, Durango, Colo., B. & L. team (75), and driver (75) 13S-14B.	1.50
15		John Ross, Durango, Colo., dinner for team (50), and driver (25).	.75
15		Frank Rose, Walsenburg, Colo., dinner for assistants, Chamberlain and Vandergift, July 15.	.70
16		Warren York, La Junta, Colo., 1 bottle of ink.	.15
17		Paul Gahn, Morley, Colo., services as guide locating section corner, 2 to 5 p. m., July 17.	1.00
18		Telegram, Trinidad, to United States Surveyor Jones, Denver (identification card not available).	.20
18		Telephone, Trinidad to Special Agent Jones, Denver (3 minutes).	.90
19		Registering report to Commissioner General Land Office.	.10
20	8	D. & R. G. R. R., freight on 1 box of surveying instruments, Trinidad to Denver (Government B/L not available).	.40
21	9	Wells Fargo & Co. Express, express on Jacobs staff, Trinidad to Walsenburg (minimum charge; no Government B/L available).	.25
TRANSPORTATION REQUESTS.			
22	001	D. & R. G. R. R., fare Denver to Glenwood Springs, Colo.	\$10.00
23	002	Pullman Co., lower standard berth, Denver to Glenwood Springs.	2.00
24	003	D. & R. G. R. R., fare Walsenburg to Pueblo, Colo., for self and assistants, Chamberlain and Vandergift, at \$2.25.	6.75
25	004	A. T. & S. F. Ry., scrip book 85210 SA, for H. K. Carlton.	90.00
			108.75
MILEAGE.			
26	01A	D. & R. G. R. R., Denver to Hotchkiss, Colo. {2701-3000.	
27	02B	D. & R. G. R. R., Hotchkiss to Gunnison, Colo., 99-207.	
PER DIEM.			
Leave headquarters.		Return headquarters.	
July 6, 10 a. m.		July 14, 4 p. m.	9
July 17, 12.30 noon.		July 17, 10.15 p. m.	1
July 19, 4.15 p. m.		July 28, 10.45 p. m.	9 1/2
			19
			153.30

This total will, of course, be carried to the proper place on the reverse of the voucher where the grand total claimed will be shown, as follows:

Expenditures, as shown by foregoing itemized statement.....	\$153.30
Services, July 1 to July 31, 1918, at \$1,200 per annum.....	100.00
Per diem in lieu of subsistence, July 1 to July 31 (except 12 days—see statement), 19 days, at \$3 per day.....	57.00
Total	310.30

NOTES EXPLANATORY OF FOREGOING SAMPLE.—Reference is herein made in each case to the number appearing in the date column. Quotation marks inclose statement of facts which should appear in the account part of subvouchers. Field employees can not be too deeply impressed with the necessity for stating their travel-expense vouchers in accordance with the sample, for by so doing all the requirements of the accounting officers will be met and the probability of suspension removed:

7. Whenever tickets are purchased for other than self, the name and titles of the extra travelers must be shown.

8. *Subvoucher 1*: "Fare on stage from Myrtle Point to about 10 miles out in the country and return on July 8, 1918." When fare is not between two definite points regularly traveled a subvoucher is required the same as for hire of special transportation.

9. *Subvoucher 2*: "Hire of 2 horses and buggy with driver for trip to country and return, distance traveled about 55 miles, from 8 a. m., July 8 to 7 p. m. July 9, 2 days at \$5 per day, \$10."

9 (a). *Subvoucher 3*: "Hire of automobile with driver, expenses included, for trip to country and return, distance traveled about 160 miles, from 9 a. m. July 8 to 5 p. m. July 9, 2 days at \$15 per day, \$30." A letter must accompany all vouchers in which charge is made for automobile hire, explaining the necessity therefor and stating the benefit to the Government.

9 (b). *Subvoucher 4*: "Hire of launch with services of boatmen, expenses included, to several points along the Tanana River, distance traveled about 25 miles, from 10 a. m. to 6 p. m., July 9, \$10."

10 (a). *Subvoucher 5*: "Ferreage of—(name of employee)—2 horses, buggy, and driver across Grand River, July 10, \$1.50." If the service is rendered by a regularly established ferry with fixed rates, and not through accommodations of a private individual, the charge may be stated as shown in last item under July 10.

(b) When a toll road is definitely located, the name and address of the party to whom the toll charge is paid may be omitted.

14. *Subvoucher 6*: "Board and lodging for—(name of employee) and assistants Miller and McDonald, July 12 breakfast to 13 lodging, 4 days at \$1.50 per day each, \$18."

15. *Subvoucher 7*: "Board and lodging team (75) and driver (75), July 13 supper to 14 breakfast, for the period, \$1.50." Whenever possible the rate per day should be shown on subvouchers.

16. Any ordinary purchase is illustrated here. When several articles are purchased and a subvoucher fully enumerating them is furnished, a brief description of them as a class only need be shown in the itemized statement of expenses, as "supplies," "provisions," etc.

20. *Subvoucher 8*: "Freight on 1 box of surveying instruments, Trinidad to Denver, Colo., July 20, 1918, 100 lbs. at 40 cents per cwt. (no Govt. B/L used), \$0.40." A receipt is required for all express and freight charges regardless of the amount. The weight and rate must always be shown, and there must be

a statement as to the nonuse of a Government bill of lading. (See paragraphs 250 and 266.)

21. *Subvoucher 9*: "Express charges on Jacobs staff, Trinidad to Walsenburg, Colo., 8 lbs. (minimum charge—no Govt. B/L used), \$0.25." Instead of showing rate in this instance the statement "minimum charge" is used and is sufficient.

274. *Transportation requests*.—Transportation requests are provided for the use of persons traveling on official business of this office. They protect the traveler from any disallowance on account of an overcharge by the carrier. They may be procured by requisition upon this office (the requisition being made the subject of a separate communication) and may be exchanged for railroad, sleeping or parlor car, or steamer tickets. They should be used only by the party in whose name they are issued; they are not transferable. They should not be used for the payment of livery bills, meals on dining cars, nor any other expenses than those specified. Transportation requests should not be used to pay fares amounting to less than \$2, unless necessary or so ordered by this office. If an excursion rate is effective and available, it should be asked for, and the transportation request tendered in exchange should be marked "excursion rate." Should the agent of the company refuse to accept the transportation request for an excursion ticket, a full-fare ticket should be secured in exchange for the transportation request, and the fact should be reported to this office.

A traveler must not attempt to secure a refund from a transportation company for the unused portion of a ticket obtained in exchange for a transportation request. The unused portion of such ticket must be forwarded, with a full explanation, to this office.

275. *Using requests*.—When using a transportation request the necessary data, including name or initials of the transportation company, the points of travel, routing, whether upper or lower berth, standard or tourist, the cost of fare, and the names of extra travelers should be indorsed on the request (and so reproduced by carbon process on the duplicate) and the stub; the request should then be dated and delivered to the agent of the transportation company in exchange for the ticket, and the duplicate, bearing such other indorsement as is necessary (such as, for example, the name of the particular Indian reservation) should be immediately mailed to this office in accordance with the instructions on the reverse thereof. If a request is exchanged for mileage or scrip the serial number of the mileage or scrip book and the name of the employee for whose use the book is secured must be indorsed on the request and the duplicate, and, if part of an old book is exchanged (together with a transportation request for the difference) for a new book the serial number of the old book exchanged and the amount thereof unused must be indorsed on the duplicate request. It is most important that the

value of transportation secured in exchange for a transportation request shall be indorsed on the duplicate thereof before mailing to this office.

276. *Listing requests, mileage, and scrip in voucher.*—Every travel-expense voucher must show what portion, if any, of the transportation was procured on transportation requests; what portion, if any, was procured by use of mileage or scrip books, giving the dates, points from and to, and the first and last serial number in each case of the mileage or scrip coupons pulled for the particular trip, such use of transportation requests, mileage, and scrip being shown at the end of the itemized statement as per sample under paragraph 273. If a request is issued to procure a ticket for some other traveler, the person using the ticket should be furnished the number of the request and be instructed to state on his voucher that travel between those points was procured on that particular request, giving the name of the issuing officer.

277. *Mileage and scrip.*—Chiefs of field divisions, supervisors of surveys, and assistant supervisors of surveys are authorized to procure mileage or scrip books in exchange for transportation requests, but their use is not recommended except when it appears probable that they will be entirely used within the period of their validity.

278. *Mileage and scrip—Reporting purchase.*—When such a book is procured the fact must be immediately reported to this office. The report must be made in triplicate, on the white, yellow, and blue cards (Forms 161, 161a, and 161b), and must give the number of the transportation request exchanged, the name of the railroad issuing the book, the number of miles or the value of scrip contained therein, the cost of the book, the amount and conditions of refund, and any other information necessary to enable this office to keep an accurate account of said book. The purchaser should certify on the reverse of the original (white) card the place and date of delivery and the States in which the mileage or scrip may be used, secure the receipt therefor of the traveler for whom the book was purchased, if practicable, and transmit the original and duplicate (white and yellow) cards to this office. The blue card should be filed with the purchasing officer's records.

279. *Mileage and scrip—Employee chargeable with value of book.*—Each mileage or scrip book will be charged to the employee in whose name it is issued. He will be held strictly accountable for its proper use and the correctness of the number of miles or the value of the scrip detached for travel between different points, and when the book is exhausted, or when no further travel is to be performed on official business with said book, or when the time limit of the book is about to expire, it should be forwarded without delay to the purchasing officer, who will promptly forward it to the disbursing officer

for his particular division, district, or unit for settlement. An employee in possession of such a book at the time of his separation from the service, or upon demand of this office, must settle his accountability therefor before final payment of his salary will be made.

280. *Mileage and scrip—Purchasing officer's monthly report.*—At the end of each calendar month each purchaser of mileage or scrip will report to this office what mileage or scrip books have been completely used, forwarded to the disbursing officer for collection, applied on the purchase of new books, or have expired during that month, and will furnish the disbursing officer for his division, district, or unit with a copy of such report.

281. *Mileage and scrip—Refund on.*—All collections on account of refunds in connection with or redemption of unused mileage or scrip should be made by the disbursing officer paying the vouchers of the purchasing officer.

HEARINGS IN LAND ENTRIES.

282. *Authorizations for expenditure.*—A disbursing officer is not authorized to make any payment for services of witnesses, taking depositions, or other expense chargeable to "Expenses of hearings in land entries," or any allotment from another appropriation made available for hearings expenses until a schedule of hearings (Form 4-638), including the particular hearing, has been received in triplicate at this office, the expenditure authorized, and the disbursing officer notified thereof by the return to him of the triplicate schedule approved, and a disbursing officer is not authorized to pay any hearings voucher unless it bears the initials, in the blank space under the certifying officer's title, of the chief of field division or of an employee designated by him as a hearings clerk.

283. *Witnesses—Limitation on mileage of.*—A witness can not be compelled under subpoena to appear outside of his own county, and if he does so appear, can claim mileage in but one county; the county where the land office is located if he appears before that office, the county of his residence if he appears before another officer.

284. *Witnesses—Per diem and allowances to.*—Witnesses attending hearings in Montana, Wyoming, Colorado, New Mexico, and the States to the westward thereof are entitled (under the above limitations) to \$3 per diem for time necessarily occupied in going to, returning from, and in attendance on the office or officer before whom he appears, and 15 cents for each mile necessarily traveled over any stage line, or by private conveyance, and 5 cents for each mile by any railway or steamship in going to and returning from such office. Witnesses in other States are entitled to \$1.50 per day only and for such days only as they are in attendance on the officer before whom

testimony is taken, and 5 cents for each mile necessarily traveled in going to and returning therefrom.

285. *Witnesses—Vouchers for services.*—Vouchers for witnesses' services should show whether deposition was taken, or oral testimony was given before the register and receiver, and should be specific as to the dates inclusive of service, and as to the points of travel, the county being given in connection with the initial and objective points and the residence being given by section, township, and range whenever possible.

286. *Witnesses—Salaried Government employees subpoenaed as.*—Salaried Government employees when subpoenaed as witnesses in land hearings are entitled to reimbursement for actual and necessary traveling expenses only, payable from "Expenses of hearings in land entries" in case of hearings under this office and by the Department of Justice when called before a United States court, and those expenses should be stated on "Voucher for services and traveling and other expenses," duly itemized and sworn to in the usual manner. This does not apply to the employees of the Forest Service, who testify in connection with lands located in forest reserves, as their expenses in such cases are paid by their own bureau. Special agents and others whose official duty it is to investigate and find out the facts upon which the case is predicated, and who appear in such case in their official capacity to give evidence of such facts so acquired, should be paid salary and usual traveling expenses for the period required to attend from the appropriation regularly chargeable therewith. (16 Comp. Dec., 411.)

287. *Depositions—Vouchers for testimony taken by.*—The act of Congress approved March 3, 1915 (38 Stat., 855), and succeeding acts, in which appropriation is made for "Expenses of hearing in land entries," provide:

That where depositions are taken for use in such hearings the fees of the officer taking them shall be 20 cents per folio for taking and certifying same and 10 cents per folio for each copy furnished to a party on request.

Where the officer takes the testimony of a witness or witnesses once and furnishes copies of that testimony for use as evidence in other cases under stipulated agreement between the interested parties, he is entitled to 10 cents per folio only for the copies furnished. (Comp. Dec., Jan. 28, 1915.)

The title of the officer taking the deposition should be shown on the voucher in every case.

288. *Depositions—Costs.*—When the deposition is taken in its true sense the fees of the officer taking it shall be paid by the party on whose behalf it is taken. When witnesses of both parties are assembled under authority of act of January 31, 1903, *supra*, and

then in reality the hearing is held, each party must pay the cost of taking the direct examination of his own witnesses and the cross-examination on his behalf of other witnesses, just the same as when final hearing is held before the local land officers. The cost of noting motions, objections, and exceptions must be paid by the party on whose behalf the same are made.

PURCHASES AND SERVICES OTHER THAN PERSONAL.

289. *Definition*.—Treasury Circular No. 36, June 21, 1911, defines services other than personal as those services:

* * * which consist in the results of acts of persons who by contract (expressed or implied) have undertaken to accomplish such results without giving to another any right to direct or control their ability or skill—including (1) transportation of persons (service); (2) transportation of things (service); (3) subsistence and support of persons (service); (4) subsistence and care of animals and storage and care of vehicles (service); (5) communication service; (6) printing, engraving, lithographing, and binding (service); (7) advertising and publication of notices (service); (8) furnishing of heat, light, power, and electricity (service); and other classes of service not personal in character, such as (a) repairs by contract or open market order, (b) storage not incident to transportation, (c) court or other public-office service, (d) commercial reference service, (e) clipping service, (f) computation and statistical service, (g) towel service, (h) bill-posting service, (i) rubbish, ash, and garbage removal service, (k) protective, preventive, and other services not personal in character and not otherwise classified.

290. *Advertising required*.—Section 3709, Revised Statutes, provides:

All purchases and contracts for supplies or services, in any of the departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

291. *Advertising—How accomplished*.—As under section 3828, Revised Statutes, and authority thereunder delegated by the Secretary, no advertising, notice, or proposal for the General Land Office or any office therewith connected may be published in any newspaper whatever, except in pursuance of a written authority for such publication from the commissioner; and no bill for any such advertising or publication shall be paid, unless there be presented, with such bill, a copy of such written authority, the only method of advertising open to purchasing officers for the divisions, districts, or units under this office that Treasury Circular No. 52, July 29, 1907, recognizes is

by the sending of circular letters to two or more dealers and the posting of notices in public places.

292. *Circular letter proposals.*—Two forms of circular letters (being in each case a letter inviting proposals and the proposal itself) are provided for this purpose, a general form (Form 4-117a) and a form for use in advertising for provisions, supplies, etc. (Form 4-117b). Except when the public exigencies require the immediate delivery of the articles or performance of the service all purchases or services other than personal will be advertised for by mailing or otherwise sending one of these forms properly executed (or other appropriate form describing the articles or services desired and inviting bids thereon) to two or more dealers and by posting a copy thereof in as public a place as is practicable. All the proposals received from the several dealers will be forwarded to this office with the voucher for the first purchase made or services secured under the proposal. If no bids are received (or only one) the names of the dealers to whom circular letters were sent must be shown in connection with the voucher.

293. *Method of or reason for absence of advertising to be shown.*—Purchasing agents or certifying officers must show over their signatures on the vouchers the method of advertising, or show the reason for absence thereof, which they may do by inserting the appropriate one of the figures from 1 to 4 referring to the numbered sections on the reverse of the voucher under "Method of or absence of advertising," and by inserting the necessary additional information, if any, on the blank lines under the section so indicated. Purchasing agents should be careful to see that their certificates are in each case complete and that the exact facts are shown. If competition is solicited in any manner the voucher should set forth that fact and not, by the insertion of "3" in the blank, state that an exigency existed simply because the methods were not as formal as is contemplated or because the advertisement was not made in connection with that particular purchase.

294. *Advertising and contracts should not be confused.*—The sending out of circular-letter proposals constitutes advertising; the returned proposal, when accepted by the purchasing officer, becomes a contract. There may be advertising and purchase without a contract, and there may be a purchase and a contract without advertising.

295. *Contracts.*—Section 3744, Revised Statutes, provides:

It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; * * *

Contracts for services, as for rents, telephone service, etc., covering a considerable period must be executed in accordance with this statute, and a new contract should be executed at the beginning of each fiscal year.

296. *Form of contract to be shown.*—Purchasing agents or certifying officers must show over their signatures the character of contract entered into, which they may do by inserting in the second blank of the certificate the letters, A, B, or C, referring to the corresponding sections on the reverse of the voucher under "Form of contract," and indicating, respectively, a formal contract, an accepted proposal, or a less formal contract. The purchasing agent or certifying officer should show on the reverse of the voucher in connection with the indicated section the date of the formal contract or the character of the less formal agreement, and if an accepted proposal is filed therewith he should so state. If the accepted proposal is not filed with the particular voucher on which the indorsement appears, but with a former voucher, the disbursing officer should make specific reference on that voucher to the particular voucher with which the proposal is filed.

297. *Vouchers for purchases, etc.—how stated.*—Vouchers for purchases and services other than personal should show date of delivery of the article or articles, or date of termination of the service performed, the description of the article or character of the service, dates inclusive of service where time is a factor, quantity of the particular article or service or number and size of container, rate per unit, the amount of each item, and the total of the items listed. Whenever practicable bills should be listed and fully itemized on the regular voucher form, but when this is not practicable itemized statements or invoices may be attached to the standard form and the voucher stated and certified for "Provisions and supplies (or other general heading descriptive of the bill purchased) as per itemized statement (or itemized invoice)—4 pages—attached hereto and made a part hereof."

298. *Vouchers for freight and express.*—Vouchers for freight and expressage should not ordinarily be paid by a disbursing officer, and when they are so paid (or any voucher containing freight or express charges) must be accompanied by the Government bill of lading covering the shipment or have appended thereto a certificate to the effect that no such bill of lading was used.

299. *Computing rents, monthly hire, etc.*—A claim for hire, keep, subsistence, etc., at monthly rates for certain days (less than a month) "inclusive" should be computed at as many 28ths, 29ths, 30ths, or 31sts (according to the number of days in the particular month) of the monthly rate as there are days from the first to the last of the dates, inclusive.

The method for computing compensations does not apply. (11 Comp. Dec., 494.)

300. *Vouchers for purchase by transfer.*—All vouchers for services rendered or supplies furnished by one department, bureau, or office to another must be transmitted through this office to the Auditor for the Interior Department for settlement and must not be paid by disbursing officers.

CASH.

301. *Cash payments.*—As hereinabove stated, payments must be made by check whenever practicable. To cover cases where it is impracticable to make payment in this manner it is provided by Treasury circular No. 102, dated December 7, 1906, that any disbursing officer may draw his check in favor of himself, or "order," for such amount as may be necessary (1) to make payments of amounts not exceeding \$20, (2) to make payments at a distance from a depository, and (3) to make payments of fixed salaries due at a certain period, but in the first and last named cases the check must be drawn not more than two days before the payments become due.

302. *Cash receipts.*—Where payment by check is not practicable and payments are made in cash—that is, currency—the payment must be evidenced by a cash receipt (Form 4-665c) or a receipt substantially the same in form acknowledging receipt from the particular disbursing officer in whose account the voucher appears, in his official capacity (disbursing clerk, special disbursing agent, surveyor general, etc.), on a specific date, a sum therein written in words, in full payment of a definitely indicated voucher. Cash receipts must be signed by the payee in whose name the voucher is stated, or, if an officer or agent receipts for his principal, evidence of his authority to receive the money and receipt therefor must accompany the voucher or be on file with the Auditor. There is no authority for cash payments except where the delivery of the receipt is simultaneous with the payment.

ABSTRACT OF EXPENDITURES.

303. *Expenditures to be listed.*—Every item of expenditure for which a disbursing officer claims credit must, as hereinabove indicated, be supported by a voucher properly stated and certified; and every such item must be listed in an abstract of expenditures (Form 4-104), in which, under a single series of numbers running through the entire fiscal year, vouchers will be listed in numerical order without reference to the character of service or appropriation chargeable, the voucher numbers and names of payees being shown in columns indicated and the amounts chargeable to the several appropriations distributed in the proper columns.

304. *What items to include.*—A distinction may here be noted between payments made by an employee from personal funds and payments made by a disbursing officer from public funds. An employee who advances personal funds for traveling and other expenses must include in his voucher for any month all expenses incurred during that month, whereas a disbursing officer should include in his abstract and carry to his account current only such amounts as are actually paid in cash during the period covered by the account or by check dated within such period, without reference to the period covered by the paid vouchers. As stated in paragraph 195, checks should bear the date on which they are drawn; they are not to be dated within a period unless they are actually drawn within that period in payment of vouchers then on hand properly stated and duly certified.

305. *Appropriation titles—Abbreviating on abstracts.*—As Treasury regulations require that the titles of appropriations, as shown in all estimates, disbursements, accounts, and vouchers, shall be exactly as such titles appear on the books of the Treasury (see par. 180), it is necessary that such titles be shown without abbreviation on requisitions, vouchers, and accounts current, but, on account of the limited space in which the titles of the appropriations must be shown at the top of the columns in the abstract of expenditures, such titles may be there abbreviated, provided such abbreviations are in such form as will be readily recognized by any one familiar with the several appropriations. The following abbreviations are suggested for the appropriations more commonly used:

- Salary Mont., 1918—Salaries, office of surveyor general of Montana, 1918.
- Contg. Mont., 1918—Contingent expenses, office of surveyor general of Montana, 1918.
- Sur. Pub. Lds., 1918—Surveying the public lands, 1918.
- Pro. Pub. Lds., T., etc., 1918—Protecting public lands, timber, etc., 1918.
- Sur. Land Grants (R.)—Surveying within land grants (reimbursable).
- Open. Ind. Res. (R.), 1918—Opening Indian reservations (reimbursable), 1918.
- Comp. Sur. R. R. Grants—Completing surveys within railroad land grants.
- Sal. & Com., R. & R., 1918—Salaries and commissions, registers and receivers, 1918.
- Contg. Ex. L. O.'s, 1918—Contingent expenses of land offices, 1918.
- Ex. Deposit. Pub. Mon., 1918—Expenses of depositing public moneys, 1918.
- Hearing Ld. Entries, 1918—Expenses of hearings in land entries, 1918.
- Ex. Ins. G. L. O., 1918—Expenses of inspectors, General Land Office, 1918.
- A. & S. A. M. R.'s, 1918—Appraisal and sale of abandoned military reservations, 1918.

306. *Extra columns—Additional abstract for.*—In cases where, as may happen during the first quarter of a fiscal year, a disbursing officer expends funds under more appropriations than there are columns of the abstract of expenditures, he will state an extra abstract on which will be listed vouchers representing payments under all ap-

appropriations that there is not room for on the regular abstract (preferably those appropriations from which the lesser number of payments are to be made). On the main abstract will be listed all the voucher numbers and the corresponding names of payees in numerical order. Each voucher chargeable to an appropriation not on the main abstract will be listed as to number and name on both the main and the extra abstract, the amount appearing only on the extra abstract in the proper column, the vouchers listed on the extra abstract being in solid rank. That is, if, for example, vouchers 3, 17, 36, 49, and 65 are chargeable to appropriations not on the main abstract, those numbers with the payees' names will appear in regular numerical order with the other vouchers on the main abstract, and they will be listed in full on the first, second, third, fourth, and fifth lines, respectively, of the extra abstract.

307. *Forward appropriate abstracts with all vouchers.*—Whenever a regulation requires the transmission of paid original vouchers original abstracts listing all such vouchers must be forwarded with them and whenever a regulation requires the transmission of memorandum copies of paid vouchers duplicate abstracts listing the copies so transmitted must accompany them. Never forward paid vouchers or copies without appropriate abstracts.

ACCOUNTS CURRENT.

308. *All fiscal transactions to be carried to.*—At the close of each quarter (or on closing an account under one bond on executing another, or on the termination of his services) each disbursing officer must bring all fiscal transactions completed within that quarter (or fractional period) into an account current (Form 4-103c, 4-103e, or 4-661a) in parallel columns by appropriation, showing under *credits*:

- (a) All balances shown by the last account current to be due the United States, in the same amount in each case and under the same title;
- (b) All accountable warrants dated within the period;
- (c) All collections made or moneys received as disbursing officer;
- (d) All debit differences found by the Auditor and conceded by the officer; and
- (e) Any other corrections on account of which an appropriation should be credited;

and showing under *debits*:

- (f) All expenditures made within the quarter (or fractional period) as shown by abstracts and vouchers;
- (g) Such moneys received as disbursing officer as are returned to depositors during the period;
- (h) All deposits to personal credit (that is, to the credit of the Treasurer of the United States—Form 1A) covered by certificates of deposit dated within the period;
- (i) Any credit difference found by the Auditor and concurred in by the officer, or

(j) Any other correction on account of which an appropriation should be debited;

(k) Any balance due the disbursing officer brought forward from last account, in the same amount in each case and under the same title; and

(l) Any balance due the United States at the end of the period for which the account is rendered.

309. *Totals in.*—The total of the items in each line must in every case be carried to the total column and the total of debits in any column must in each case correspond with the total of credits in the corresponding column.

310. *Analysis of balance.*—The total net balance due the United States (ordinarily this is the "Balance due the United States" as shown on that line, but if there should be a balance due the disbursing officer under one or more appropriations, as on account of an overdeposit, the *net* balance will be the difference between the two "balances") at the close of the period for which an account is rendered must be analyzed as indicated in the space provided therefor at the bottom of the account current. If the depositary statement is not received in time to compute the balance therefrom and yet have time to mail the account within the period required by law, the balance must be computed from the check stubs and a statement made to the effect that the balance was so computed, and the analysis furnished in a separate communication.

311. "*Salaries paid in cash and claim for credit deferred.*"—When pay-roll vouchers are paid by checks there is no reason why all the checks should not issue on the same date, but when payments are made in cash it may happen that one or more employees will not receive pay until the next working day. In such cases credit for the full amount of such pay-roll voucher will be claimed under date of the final payment, and, if the last payment should be in a different quarter, the amount paid thereon during the first quarter will appear only in the analysis of balance in the account current and on the credit side of the cash account, under the heading in each case of "Salaries paid in cash and claim for credit deferred." The entire amount of a partly paid pay roll should be included in the monthly report of expenditures and liabilities (Form 4-163) as an outstanding liability under "unpaid voucher on hand."

(Treasury Circular No. 52, July 29, 1907.)

312. *Outstanding checks.*—Any check issued by a disbursing officer and remaining unpaid must be carried in his analysis of balance as an outstanding check for three full fiscal years, as is indicated by the following quotations from Treasury circulars and Revised Statutes:

"Any check drawn by a public disbursing officer still in the service, which shall be presented for payment within three full fiscal years from its date, will be paid in the usual manner by the officer or bank on which it is drawn, from funds to the credit of the drawer. Thus, any such draft or check issued on or

after July 1, 1904, will be paid as stated above until June 30, 1908, and the same rule will apply for subsequent years."

"Every disbursing officer will, upon receipt of the statement of his disbursing account for the month of June of each year, from the office or bank in which his funds are kept, immediately make a return to the Secretary of the Treasury of all checks drawn by him which have been outstanding and unpaid for three full fiscal years on the 30th day of June of that year, as also required by section 310 (R. S.), stating the number of each check, its date, amount, in whose favor, on what office or bank, and for what purpose drawn, the number of the voucher in payment for which it was drawn, and, if known, the residence of the payee, and inclose in said return all checks described therein which may be in his possession." (Treasury Circular 42, 1907.)

"At the termination of each fiscal year all amounts of moneys that are represented by * * * checks, issued * * * by any disbursing officer of any department of the Government, upon the Treasurer or any assistant treasurer, or designated depository of the United States * * * and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such * * * checks were * * * issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated 'outstanding liabilities.'" (306 R. S.)

313. *Cash account.*—If during any period for which an account is rendered a disbursing officer has cash in hand he must render a cash account, for which space and form is provided on the reverse of the account current. The cash account is subsidiary to the regular ac-

(a) The cash on hand as shown by his last cash account;

(b) The checks drawn for cash under authority of Treasury Circular No. 102, to make payments in cash;

(c) Total collections (posted from abstract) and all cash receipts except on account of concessions, and

(d) Debit differences conceded (itemized);

and must show on the *credit* side:

(e) The total vouchered expenditures paid in cash during the period;

(f) Cash deposits made to personal credit (that is, to the credit of the Treasurer of the United States), or

(g) To official credit (that is, subject to his official check),

(h) Credit differences concurred in (itemized), and

(i) The cash on hand at the end of the period for which the account is rendered.

The cash on hand must agree with the amount of cash shown in the analysis of balance.

314. *Dates on account current.*—It is important that certain dates always be shown on accounts current, and they shall always be shown correctly:

(a) The first and last date of the period covered by the account shall be shown at the top of the account current and in the brief on the first fold of the reverse thereof;

(b) The date of the bond (which is shown on all copies of requisitions sent to disbursing officers as notice that advance of funds has been requested of the Treasury) shall be shown at the top of each account current;

(c) The date to which the account is rendered shall appear in the proper place under "debits";

(d) The date to which the next preceding account was rendered shall appear in the proper place under "credits";

(e) The date immediately above the disbursing officer's certificate must show the date on which the account is certified; and

(f) The date over the "first indorsement" on the reverse thereof must be that on which the account is forwarded to this office.

DUPLICATE, TRIPPLICATE, AND OTHER MEMORANDUM COPIES.

315. *What copies should be furnished.*—Accounts current, abstracts of expenditures, and abstracts of collections must be stated in triplicate; the triplicate will be retained by the disbursing officer, the duplicate will be forwarded to this office to become a part of the office files, and the original will of course be forwarded to this office for administrative action and forwarding to the Auditor for the Interior Department. Two memorandum copies must be made of all vouchers for which a disbursing officer claims credit, the second memorandum copy for the disbursing officer, the first memorandum for this office, and the original for the auditor. Disbursing agents of this office who disburse funds for or on account of another bureau will furnish additional copies of all the above-mentioned papers for the files of this office, it being necessary to forward the duplicate accounts current and abstracts and the memorandum copy of vouchers to the bureau whose funds are disbursed.

316. *Memorandum vouchers shall show what.*—Memorandum copies must show the same facts as the original vouchers, even as to name of certifying officer, and be as carefully itemized. On the memorandum vouchers the notation of check payment, etc. (showing voucher number, name of disbursing officer in whose accounts said voucher appears, check number, and date of payment) will be at the lower left-hand corner, and in form as follows:

Voucher 98. John Doe (name of disbursing officer, not name of payee).
Check 234, July 10, 1918.

For this purpose a rubber stamp will be used in form, as follows:

Voucher-----John Doe
Check----- \$-----

and the disbursing officers are authorized to purchase such stamp from the appropriation applicable in each case.

317. *No copies of subvouchers.*—No duplicate or memorandum copies of subvouchers need be taken; in fact, duplicate subvouchers should never be taken.

318. *Memorandum copies and monthly report.*—Within three days (Sundays and holidays excepted) after the close of each and every calendar month each disbursing office will transmit (without other inclosure than the papers here named) memorandum copies of all vouchers paid during the month just closed, together with a duplicate copy of the abstract of expenditures in which the several vouchers are listed, and a monthly report of expenditures, balances, and liabilities (Form 4-163), on the face of which shall be shown the period covered and the numbers of the first and last vouchers of which copies are transmitted and, on horizontal lines, by appropriation and in total:

(a) The amount expended during the month as shown by copies of vouchers and abstract transmitted;

(b) The amount represented by vouchers on hand when the report is transmitted that were not paid during the month closed and included in the "Amount disbursed" (without reference to whether such vouchers, designated in the report as "unpaid," have been examined or whether they have been paid in the meantime); and

(c) The estimated additional liabilities then outstanding on account of services rendered, purchases made, or expenses incurred in or prior to the month for which the report is rendered, but for which no vouchers have yet been received;

and on the reverse of which shall appear, in perpendicular columns by appropriation and in total, and in horizontal lines by classes, the classification, required by Treasury Circulars 34 and 36, dated June 21, 1911. On the face of the report those appropriations from which expenditures have been made will be numbered in the order in which they there appear and corresponding numbers (beginning with No. 1 for the left-hand column and using as many consecutive numbers as there are appropriations) will be assigned to the necessary number of columns on the reverse, under the caption "Appropriation," as a means of identifying the appropriation on the face with the classification of expenditures on the reverse.

TRANSMITTING ACCOUNTS.

319. *Quarterly accounts.*—All disbursing officers are required by law to render their accounts quarterly, and to transmit them to the proper officer at Washington within 20 days after the period to which they relate. Should there be any delinquency in transmitting accounts no further advance of moneys can be made until the reasons for the delinquency have been fully explained to this office and a waiver thereof obtained from the Secretary of the Treasury. (26 Stat., 413; 28 Stat., 209, 807.)

Except in those cases in which disbursing officers have specific instructions to transmit certain original papers at an earlier date.

each disbursing officer will, as soon as practicable after the close of each quarter and within 20 days transmit in an envelope separate from other matter:

- (a) All original vouchers paid during the quarter;
- (b) A quarterly abstract of expenditures listing such vouchers; and
- (c) An original and duplicate account current for the quarter.

320. "*Other accounts.*"—In case a disbursing officer is required to close his account at a time other than at the close of a quarter (either on account of the execution of a new bond or the termination of his services under the appointment in connection with which he was designated a disbursing officer) he should immediately transmit his report of expenditures, balances, and liabilities (Form 4-163) for the fractional *month* ending with the date on which the account closes and within 20 days after said date he must transmit the original vouchers, original abstracts of expenditures, and original and duplicate account current for the fractional quarter terminating on that date.

NEW BONDS.

321. *Account under begins when.*—In case a fiscal officer is required to execute a new bond either on account of a new appointment or of a new designation, his account under his new bond (or under both bonds if the latter is additional or cumulative) will begin on the date of the approval of such new bond by the Secretary. The fact that notice of such approval may not be immediately received by the officer is not material; he is accountable under the old bond for a proper disbursing of and accounting for the funds advanced thereunder and may continue to disburse such funds until he has received notice as to the date of approval of the new bond. This, however, does not change the fact that the account under the new bond must date from the approval thereof, notwithstanding the fact that a failure to receive prompt notice may result in the stating of two accounts for the intervening period, and notwithstanding the fact that no funds may have been received under the new bond until after the first account under such bond is due to be transmitted.

322. *Account under old to be closed.*—Immediately on receipt of notice of the Secretary's approval of a new bond the disbursing officer must deposit his admitted balance then on hand under the old bond, state his final account under such bond, and promptly transmit it to this office. Until the account under one bond is balanced by the deposit to the credit of the Treasurer of the United States of the admitted balance thereunder no advance may be made under a new bond.

323. *What may be paid under.*—The period covered by an account under a particular bond has no relation whatever to the period of

service covered by vouchers which he may pay from funds advanced under that bond and, although the accounts under one bond are as separate and distinct from those rendered under another bond as though the accounts were rendered by separate individuals, a disbursing officer having executed a new bond and received an advance of funds thereunder may pay any voucher made up in prescribed form and chargeable to the appropriations so advanced notwithstanding the fact that part or all of the service represented was performed prior to the date of the new bond.

324. *Difference from old not to be brought into account under.*—Differences found in an account under one bond are in no case to be brought into or taken up in connection with an account under a new bond, or account under old and new bonds when the latter is additional or cumulative. Accounts under a new bond or (when an additional or cumulative bond is furnished) under new and old bonds jointly are as separate and distinct from those rendered under an old bond as though the accounts were rendered by separate individuals.

DIFFERENCES.

325. *A claimant's rights.*—Each claimant has a right to have his claim against the United States finally settled in the Treasury Department and must not be denied the right to state his claim in such amount as he thinks is justly due him. Some certifying officers have assumed the right to dictate to a claimant the particular items or amounts he may claim in his voucher. Certifying officers, approving officers, or disbursing officers may advise a claimant as to what will be allowed (and the claimant may if he desires accept these suggestions and state a new voucher), but he must not be deprived of his right to state his claim for what items or amounts seem to him lawful and just. The adjudicating officers will certify or approve such of the items or amounts claimed as are proper, leaving untouched the statements and figures certified by the claimant. No one has any authority to make any changes in the amount certified by the claimant nor to insert any statement of difference over his signature. Suspensions made by a certifying officer or an approving officer should be itemized over their respective signatures, and the suspensions made by a disbursing officer may be made over his signature or by attaching a carbon copy of his letter to the claimant, in which appears an itemized statement of the difference between the amount claimed and the amount of the check issued in payment. In any case an itemized statement of the difference should appear on or be appended to both the voucher and the memorandum copy.

326. *Procedure—Jurisdiction.*—The successive steps in securing payment of vouchers or claims and the gradations of jurisdiction in

the adjustment and settlement of claims and accounts are as follows:

The claim shall be:

- (a) Stated in form and manner hereinabove prescribed;
- (b) Sent to the proper certifying officer, who may:
 - (1) Certify to the voucher as stated,
 - (2) Suspend any item or items therein that are not properly stated or properly evidenced, or
 - (3) Disapprove any item or items that he knows are not proper;
- (c) Transmitted to the proper disbursing officer (usually by or through the certifying or approving officer), which disbursing officer may:
 - (1) Pay the voucher as presented,
 - (2) Pay a part and suspend a part,
 - (3) Suspend payment on all and either return the voucher to the claimant for proper statement or forward to this office for instruction or for direct settlement;
- (d) Claims (unpaid vouchers) transmitted to this office for direct settlement (either through a disbursing officer or by the claimant direct), or accounts of disbursing officers stated and transmitted in accordance with the foregoing instructions, receive here the administrative examination required by law, on which examination the entire account or claim (or any item or items therein) may be:
 - (1) Approved,
 - (2) Suspended, or
 - (3) Disapproved;
- (e) After which the account or claim is transmitted to the Auditor for the Interior Department for settlement, which officer may (as to any or all items approved or disapproved by this office):
 - (1) Allow,
 - (2) Suspend, or
 - (3) Disallow;
- (f) A claimant on a voucher presented for direct settlement may refuse to accept payment on the auditor's settlement and appeal to the Comptroller of the Treasury for a revision of such settlement as to any item or amount disallowed therein and a disbursing officer may likewise appeal to the comptroller for a revision as to any item or items disallowed by the auditor in his account. (See also paragraphs 193, 331 and 336.)

Items *suspended* by this office are not before the auditor for consideration and the comptroller has no jurisdiction to revise an account or claim as to any items *suspended* by the auditor.

327. *Accepting check no bar to appeal.*—Any claimant who receives from a disbursing officer in payment of a claim against the Government a check for a lesser sum than the claim stated by him may thereafter present a supplemental voucher for the amount suspended before payment; his acceptance of the check in payment of a claim which has not been settled by the auditor does not bar him from right of appeal. As to acceptance of payment under a settlement by an auditor, section 8 of the act of July 31, 1894 (28 Stat., 208) provides:

Any person accepting payment under a settlement by an auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; * * *

328. *Supplemental voucher*.—New, or supplemental, vouchers must be stated for any amounts claimed on account of differences found before payment, or for items omitted from an original voucher, the employee designating it as supplemental for the particular month to which the expense pertains, and making the voucher as complete in every respect as is required of originals, except that items sworn to in an original voucher need not again be sworn to in a supplemental. As stated in paragraph 269, explanation must be made in connection with supplemental vouchers for items omitted from a voucher for services and traveling and other expenses as to why such items were not included in the original voucher.

329. *Disapprovals*.—Items disapproved by this office will not ordinarily thereafter be approved, but the disbursing officer is under no obligation to concede such items until they have been disallowed by the auditor.

330. *Disallowances*.—Items disallowed by the auditor may not again be considered by that officer within a year from the date of his settlement, nor will they be thereafter reconsidered by him except upon the presentation to him of newly discovered material evidence, and a disbursing officer should, in the first account current rendered after the receipt of an auditor's certificate of settlement, concede all the suspended items appearing therein for which he does not intend to make further claim, and all items disallowed, or immediately appeal to the Comptroller of the Treasury for a revision of the auditor's settlement as to such disallowed items.

331. *Appeal to the comptroller*.—A decision of the comptroller is final and conclusive upon the executive branch of the Government and an appeal to him carries before him for revision not only the item or items on which the appeal is made but the entire account or claim excepting only such items as have been suspended. A disbursing officer should at once concede all items disallowed by the Comptroller on appeal. (See par. 193.)

332. *Answering differences—payees*.—In case a difference is found in an employee's voucher after payment by a disbursing officer the employee should, at the earliest practicable date after receipt through such disbursing officer of notice of a deduction, reimburse the officer for the amount erroneously paid or furnish him with the evidence necessary to relieve the suspension. Answers must in all cases be made within 15 days from receipt of notice, even though the employee may not at that time have received the necessary evidence.

333. *Answering differences—disbursing officers*.—Differences found in the adjustment of accounts by this office, or in the settlement

thereof by the auditor, should be taken up by the disbursing officer, at the earliest practicable date, with the office making the deduction and such explanation offered or evidence furnished as will relieve the suspensions, no deposit being made on account of conceded items till the auditor's certificate of settlement covering such items has been received unless the disbursing officer is certain that the item or items can not be allowed. Ordinarily differences found by this office in connection with one account will not again be taken up until the next account is being adjusted, and disbursing officers should transmit answers to differences so that they will be received by that time even though they are not then able to answer all the differences then outstanding. Differences may be answered as long as they are carried by the auditor as suspensions.

334. *Answering differences—Abstract form in duplicate.*—The differences will be taken up in abstract form similar to that followed in the notice of adjustment sent to the disbursing officer, except that the reason for the suspension or disallowance need not be given, a brief statement being made in connection with each item as to whether a perfected voucher is transmitted, explanation offered, or amount conceded. Answers to differences to this office must in all cases be made in duplicate (including letters of explanation furnished by payees or other like evidence supplemental to the principal letter), as the original is transmitted to the auditor and a duplicate is necessary for the files of this office.

335. *Adjusting differences—By deductions from vouchers.*—Unless it is impracticable to do otherwise, a disbursing officer should not adjust a difference found in the adjustment or settlement of his account by deducting the amount from a subsequent voucher presented by the employee; and in case adjustment must be made in that manner the disbursing agent should concede the original disallowance and should claim credit for the full amount of the new voucher, thus in effect applying in payment of the new voucher the amount of overpayment made to the same claimant on the voucher in connection with which the disallowance was made. A claimant from whose voucher an amount has been deducted on account of a difference found in a former voucher is entitled to state a supplemental claim for the amount so deducted and to have it transmitted through the usual channels for settlement notwithstanding the fact that the amount deducted represents items that have been disallowed by the auditor. (2 Comp. Dec., 4.)

336. *Adjusting differences—By concession in account.*—A debit difference conceded is adjusted by crediting the United States therewith on the face of the account current as "Corrections on account of disallowances conceded," a complete itemized statement of which must appear on the debit side of the cash account. A credit differ-

ence concurred in is adjusted by debiting the United States therewith on the face of the account current as "Corrections on account of credit difference, per ——"—(showing the particular certificate or paper by which the difference was found), the specific items of which should appear on the credit side of the cash account. There is one exception as to conceded items appearing in the cash account. In cases where in the auditor's settlement a transfer between appropriations is accomplished by debiting the disbursing officer under one and crediting him under another the adjustment will be made on the face of the account current by crediting the United States under the appropriation in connection with which the debit is found as "Corrections, amount chargeable per auditor's certificate No. ——," and by debiting the United States under the appropriation in connection with which the credit is found as "Corrections, amount credited per auditor's certificate No. ——."

337. *Concessions and deposits distinct.*—The concession of a difference harmonizes the disbursing officer's account with the auditor's settlement so far as that particular difference is concerned. The deposit of an amount conceded is a matter entirely separate and distinct from the action necessary to adjust the difference; an amount, conceded may, if it pertains to an appropriation then current, be carried as cash or deposited to the disbursing officer's official credit, or if it pertains to some fund or appropriation not then current, to his personal credit.

DEPOSITS.

338. *Depositing balances at close of fiscal year.*—Unexpended balances of annual appropriations shall be repaid into the Treasury as soon as practicable after the close of the fiscal year for which they were made, and not later than September 30 of each year. Those appropriations that have no fiscal year attached are not annual appropriations and balances thereunder need not be deposited at the close of each fiscal year.

Credit for the amounts deposited should be claimed in the account for the period in which the certificate of deposit is dated. After the balances are deposited any vouchers that may be received chargeable to those appropriations will have to be sent to Washington for settlement. (Treasury Circulars Nos. 133, 1897 and 133, 1903.)

339. *Retain funds to cover liabilities outstanding.*—While it is advisable wherever practicable to complete payment at the close of business of June 30 of each year for services rendered or expenses incurred during the year then ending, it will not be practicable for most disbursing officers to do this, and, as hereinabove indicated, disbursing officers may complete such payments at any time within the three months after the close of the fiscal year; and it will therefore

be necessary, when depositing balances at the end of a fiscal year, to retain in hand (until September 30 unless liabilities are paid before that) sufficient funds from appropriations belonging to the fiscal year just ended to pay outstanding liabilities thereunder.

340. *Overdeposit.*—In case a disbursing officer, at the end of the fiscal year or on closing his accounts, deposits to the credit of the Treasurer of the United States a greater amount than is due, he will simply claim credit in his account current for the amount so deposited (thereby showing a balance due from the United States under one or more appropriations); and on settlement of his account by the auditor, Treasury draft will be issued for the amount found due the disbursing officer, or the amount will be transferred to his credit in the Treasury.

341. *Certificates of deposit to show what.*—Every deposit made by a disbursing officer to the credit of the Treasurer of the United States (personal credit) should show:

- (a) The title, or titles, of the appropriation or fund to be credited;
- (b) The date of the bond under which the deposit is made; and
- (c) A brief reference made as to the character, source of receipt, etc., of such deposits, such as "Balance," "Collections," "Concessions," "Proceeds Government property," etc., the property being listed in detail in connection with the latter.

342. *Duplicate certificates of deposit.*—The same facts should be shown on the duplicate certificate as is required of the original, and, in case any of the required facts are omitted from the original, such facts should be indorsed by the disbursing officer on the reverse of the duplicate certificate; and, in all cases of deposits on account of debit differences conceded, the disbursing officer will list the conceded items in detail on the reverse of such duplicate certificate. On the reverse of each duplicate certificate of deposit on account of "Miscellaneous receipts—Proceeds of Government property" must be indorsed a complete list of the property sold. Duplicate certificates of deposit must in each case, immediately on receipt thereof, be forwarded to this office; and if in any case the disbursing officer is not furnished with a triplicate it will be necessary for him to make a copy for his own files.

343. *Report to Secretary of Treasury on closing account.*—"Whenever any disbursing officer of the United States shall cease to act in that capacity he will at once inform the Secretary of the Treasury whether he has any public funds to his credit in any office or bank, and, if so, what checks, if any, he has drawn against the same which are still outstanding and unpaid. Until satisfactory information of this character shall have been furnished the whole amount of such moneys will be held to meet the payment of his checks properly payable therefrom."—Treasury Circular No. 42, 1907.

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In reply please refer to Circular No. 618.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
Date SEP 3 1918

Hour 9 am

August 14, 1918.

Lands within national parks;
authorization of notice.

*Still in effect
5/28/54*

Registers and Receivers,

U. S. Land Offices.

Sirs:

Hereafter when any application to make entry or proof is filed in your office for lands within any national park or within any reservation of lands for national monument, you will immediately notify the Superintendent or Custodian thereof by ordinary mail and if a protest is received from the Superintendent or Custodian you will transmit same to the chief of field division to await an investigation in the field and further instruction from this office.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

S. G. HOPKINS,

Assistant Secretary.

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

12. 1941

In reply please refer to Circular No. 620.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

September 6, 1918.

Instructions in re defective
isolated tract applications
forwarded to chiefs of field
divisions for investigation.

Registers and Receivers,
United States Land Offices.

Sirs:

This office has been advised that some of the local land offices have transmitted to Chiefs of Field Divisions for investigation, isolated tract applications on form 4-008b, under Section 2455, R. S., as amended by act of March 28, 1912, endorsed "Not isolated two years"; such applications being defective in that they were not accompanied by affidavits showing that the greater portion of the lands are too rough or mountainous for cultivation.

Attention is called to paragraph 15 of circular 371, dated January 11, 1915, as to applications under said act, in which it is set forth that claimant must show among other things, -

"detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the proviso or purchased under Section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts."

Local land officers are directed to dispose of defective applications under the "General Regulations" (circular 371) except paragraph 7, which is not applicable, and not forward applications to the Chief of Field Division for investigation until same are substantially complete.

Chiefs of Field Divisions who have received such defective applications will return same to the proper local land offices for action appropriate to these instructions.

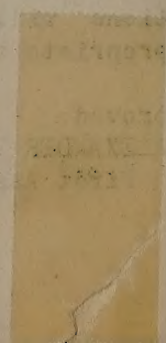
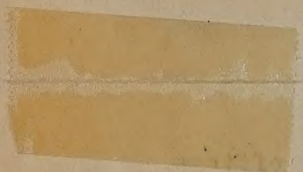
Very respectfully,

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CLAY TALLMAN,

Commissioner.

(287)



In reply please refer to Circular No. 621.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
Date Oct 19 1918
Hour 1 P.M.

October 9, 1918.

: Transmit withdrawals
: by letter.

Registers and Receivers,

United States Land Offices.

Sirs:

We find it desirable to have more prompt information in this office than heretofore relative to withdrawals of applications to enter. You are therefore directed to transmit by letter, at the end of each week commencing with the week ending October 19, 1918, all withdrawals of applications to enter which have been filed in your office during said week, in the following cases:

(a) In all cases where the application to enter, of whatever class or kind, is pending in this office;

(b) In all cases where homestead applications are pending in your office and petitions for designation of the lands sought to be entered are pending in this office.

Such withdrawals should be reported in the monthly schedules in the usual way.

The above does not apply to relinquishments.

Very respectfully,

CLAY TALLMAN,

Commissioner.

*See Circ. 678
" 750*

CIRCULAR NO. 622.

SOLDIERS UNDER 21 YEARS OF AGE—SPECIAL PRIVILEGES UNDER PUBLIC-LAND LAWS—ACT OF AUGUST 31, 1918, AND RESOLUTION OF SEPTEMBER 13, 1918—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 9, 1918.

*Registers and Receivers,
United States Land Offices.*

SIRS: Section 8 of the act of Congress of August 31, 1918 (Public 210), reads as follows:

"SEC. 8. That any person, under the age of twenty-one, who has served or shall hereafter serve in the Army of the United States during the present emergency, shall be entitled to the same rights under the homestead and other land and mineral entry laws, general or special, as those over twenty-one years of age now possess under said laws: *Provided*, That any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service: *Provided further*, That applications for entry may be verified before any officer in the United States, or any foreign country, authorized to administer oaths by the laws of the State or Territory in which the land may be situated."

The joint resolution of Congress (Public 41), approved September 13, 1918, and referring to the above provision, reads as follows:

"That no relinquishment of any public-land entry made under or by authority of section eight of the act of the Sixty-fifth Congress, second session, entitled 'An act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen,' shall be valid or effective for any purpose unless executed after the entryman shall have actually resided upon and cultivated the land, in the case of a homestead entry, for at least six months, and in the case of an entry made under other than the homestead laws, after the entryman shall have complied with the provisions of the applicable law for at least one year.

"Any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry prior to the completion of compliance with the applicable law and with this resolution, and who or which solicits, demands, or receives or accepts any fee or compensation for locating, filing, or securing the claims or entries for persons entitled to the benefits of said section shall, upon conviction,

tion, be fined not to exceed \$1,000 or imprisoned for not exceeding two years, or both."

2. Said section 8 of the act of August 31, 1918, confers the right of entry under any of the agricultural or mineral public-land laws upon persons under the age of 21 who have served, or shall hereafter serve, in the Army of the United States during the present war, in the same manner as they could have made entry if over that age. This right is conferred only upon persons who have been actually mustered into the service and who are under 21 years of age at the time their applications are executed.

A drafted man is regarded as serving in the Army from the time he reports for entrainment; a man in the Officers' Reserve Training Corps from the time of his admission.

This department is of the opinion that the expression "the Army of the United States," as used in section 8 of the act, includes the Navy and Marine Corps, and that construction will stand unless Congress shall otherwise direct.

3. An application for entry by a person coming within the meaning of the law may be executed at any place where he is located, whether it be in a State, Territory, or district of the United States, or in a foreign country. It may be executed before any officer whose authority to administer oaths is recognized by the laws of the State or Territory in which the land sought is situated. These laws differ, and it will not be attempted here to give a synopsis of all of them. An examination of the State laws leads to the conclusion that they all recognize affidavits executed in any part of the United States before a notary public or the clerk of a court of record, and those executed outside of this country before a notary or before any diplomatic or consular officer of the United States.

4. An applicant claiming the benefits of said section must execute an application for entry on the ordinary prescribed form; but, where he has not examined the tract sought, there should be omitted from the form so much as refers to personal examination of, or acquaintance with, the tract, and recites the applicant's knowledge as to its character (nonmineral, nonirrigable, etc.). For example, there should be stricken from an application for entry under the enlarged-homestead act all that part of the form beginning with the words "that I am well acquainted with the character of the land" and ending with "it is not susceptible of successful irrigation," etc.

In such cases there must accompany the application an affidavit setting forth the facts as to the character of the land, executed by some other person who states that he is himself familiar therewith; but this will not be received as sufficient unless the affiant deposes that his statement is made at the request of the applicant; that he has not solicited, demanded, received, accepted, or been promised, nor intends to receive, a fee or compensation of any nature for his assistance in securing allowance of the claim or entry.

5. The act does not exempt an applicant from payment of the regular fee and commissions chargeable to other applicants; as to that matter, you will treat the filings like other applications.

For the information of prospective applicants it may be stated that the fee and commissions on a 320-acre entry under the enlarged homestead act amount to \$22 in most of the States, or to \$34 where

the lands are within the granted limits of Government-aided railroads; the amount due on a stock-raising homestead application for 640 acres is \$34, or \$58 under the circumstances last mentioned.

6. A person making a homestead entry under this act is entitled to the benefits of the act of Congress of July 28, 1917 (40 Stat., 248). That act provides that a homesteader shall have his military services construed as equivalent to residence and cultivation for the same length of time upon the tract entered, and that if he be discharged on account of wounds received or disability incurred in the line of duty the entire term of his enlistment shall be thus counted; also, that no patent shall issue to any homesteader who has not resided upon, improved, and cultivated the land for at least one year, but he is entitled to the five months' absence privilege like other homesteaders during each year's residence, which he may be required to show. It provides, further, that if a homesteader dies while actually engaged in the military or naval service of the United States his widow, if unmarried, or (if she be married) his minor orphan children, or his or their legal representatives may forthwith make proof upon his entry.

A person making a desert-land entry under this act is entitled to the benefits of the act of Congress of August 7, 1917 (40 Stat., 250). Therefore, such an entry will not be subject to cancellation for failure to expend \$1 per acre in improvements upon the claim, or to effect its reclamation, during the period of his service and until six months thereafter, and the time for complying with the law is extended for a period equal to that of said service. This relief is conditioned, however, upon his filing in the local land office, within six months after he is mustered into the service, a notice of his muster in and of his desire to hold the desert claim under said act.

7. The soldier will not be required to establish residence upon the land in his homestead entry until six months after his discharge from military service. No contest against the entry will lie on the ground of failure to establish residence until the expiration of that period, and the time elapsing before such discharge from the service will not be counted on the statutory life of the entry.

8. The joint resolution above set forth provides for imposition of a fine of not exceeding \$1,000 or imprisonment for not exceeding two years, or both, upon any person, firm, or corporation which solicits, demands, receives, or accepts any fee or compensation (whether it be in money or in other value) for locating, filing, or securing any claim or entry for any person entitled to the benefits of section 8 of the act of August 31, 1918. It is desired that if there be violations of this prohibition they be promptly brought to the attention of the General Land Office or the Chief of Field Division, to the end that immediate steps may be taken to stop such illegal practices and to bring the offenders to justice. Moreover, the attention of the soldiers is very strongly directed to the fact that any one of them who pays or promises compensation of any kind for securing an entry, even though it be merely by the grant of grazing privileges, will be conniving at the breach of a law which Congress enacted for the protection not only of the soldiers but of the general interests in the public domain. As above shown, it will frequently be necessary for some person to execute, on behalf of the applicant, an affidavit

regarding the character of the land; but this must in all cases be done by a relative or by some other person who is willing to afford the service without compensation. The clear purpose of the act is to give soldiers under the age of 21 an opportunity to hold a homestead or other land claim for their own personal benefit, but not for speculation on the part either of themselves or of others.

9. The resolution provides that no relinquishment of an entry made under the act in question shall be valid unless executed after the entryman shall have resided upon and cultivated the land covered by a homestead entry for at least six months; or, as to other classes of claims, until he shall have complied with the provisions of the applicable law for at least one year. Moreover, it provides that any person, firm, or corporation soliciting or dealing with the relinquishment of such claim or entry, prior to the completion of one year's compliance with the applicable law and with the resolution, shall be subject to the punishments above mentioned. Accordingly, the registers and receivers are instructed not to make on their records any notation regarding receipt of a relinquishment of an entry made under the act of August 31, 1918, unless it shall be made to appear through the affidavit of the entryman, corroborated by those of two witnesses, that the above conditions have been complied with; and soldiers are warned not to execute relinquishments of their entries prior to the arrival of the time indicated.

In case of death of the entryman the entry will be subject to relinquishment by his widow, heirs, or devisees, as the case may be, under the following conditions:

(a) If a homestead, not until after the expiration of six months from the date of his death, if he had not established residence on the land, or at any time after the expiration of six months from the date residence was established by him.

(b) If any other class of entry, not until after the applicable law has been complied with for at least one year.

As in the case of relinquishment by the entryman, such relinquishments must be supported by affidavit, duly corroborated, establishing the material facts.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

ALASKA HOMESTEADS—SURVEYS WITHOUT EXPENSE TO CLAIMANTS—ACT OF JUNE 28, 1918 (PUBLIC 180).

INSTRUCTIONS.

[Circular No. 623.]

DEPARTMENT OF THE INTERIOR,

GENERAL LAND OFFICE,

Washington, D. C., October 9, 1918.

REGISTERS AND RECEIVERS,

UNITED STATES LAND OFFICES IN ALASKA.

Your attention is invited to the act of Congress of June 28, 1918 (Public No. 180), by which there is inserted in the Alaska homestead act of July 8, 1916 (39 Stat., 352), a provision for the survey of homesteads, without expense to the claimants. The section reads as follows:

SEC. 2. That if the system of public surveys has not been extended over the land included in a homestead entry, the entryman may, after due compliance with the terms of the homestead law in the matter of residence, cultivation, and improvement, submit to the register and receiver a showing as to such compliance, duly corroborated by two witnesses, and if such evidence satisfactorily shows that the homesteader is in a position to submit acceptable final proof the surveyor general of the Territory will be so advised and will, not later than the next succeeding surveying season, issue proper instructions for the survey of the land so entered, without expense to the entryman, who may thereafter submit final proof as in similar entries of surveyed lands. So far as practicable, such survey shall follow the general system of public-land surveys, and the entryman shall conform his boundaries thereto: *Provided*, That nothing herein shall prevent the homesteader from securing earlier action on his entry by a special survey at his own expense, if he so elects.

Accordingly, paragraph 12 of the regulations under the Alaska homestead law (45 L. D., 227) is hereby amended to read as follows:

SUBMISSION OF PROOF—UNSURVEYED LANDS.

12. Where the public system of surveys has not been extended over a duly located homestead and the settler has had such compliance with the terms of the homestead law in the matter of residence, cultivation, and improvements as to justify submission of three-year proof on his claim, he may file with the register and receiver his affidavit, corroborated by two witnesses, showing such compliance. If they find this satisfactory, they will so advise the surveyor general of the Territory and he will, not later than the next succeeding surveying season, issue instructions for the survey of the land involved, without expense to the entryman. So far as practicable such surveys must follow the general system of public-land surveys and the entryman must in all cases conform his boundaries thereto. After the survey has been duly made and the plat thereof filed, proof may be submitted on the entry as in case of ordinary entries for surveyed lands. (See par. 18.)

However, if the settler desires to obtain earlier action in the matter of the survey, or if he desires to avoid the necessity of conforming to a survey made under the provision of law above referred to, he may have a survey of the tract made at his own expense by a deputy surveyor, appointed by the United States surveyor general. After the survey has been completed and been approved by the surveyor general, certified copies of the field notes and plat must be filed at the local United States land office, together with the settler's notice of intention to submit proof upon his claim.

Paragraph 18, above referred to, reads as follows:

18. Where the public system of surveys has been extended over a tract and homestead entry made in accordance therewith, though the claim may have been initiated by a location, the procedure with regard to submission of proof is the same as in the United States. Where proper compliance with the law is shown, no adverse claim appears on the records, and no protest against the proof is filed, it will be accepted and final certificate issued pursuant thereto. The proof may be taken before the register and receiver or before any officer within the land district authorized to administer oaths and having a seal of office.

There is no change in the regulations governing cases where the homestead settler elects to apply for a survey at his own expense, and to submit proof pursuant thereto.

CLAY TALLMAN,
Commissioner.

Approved,

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CIRCULAR NO. 624.

STOCK-RAISING HOMESTEAD ACT—AMENDMENT OF OCTOBER 25, 1918—ADDITIONAL ENTRIES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 31, 1918.

*Registers and receivers,
United States Land Offices.*

SIRS: The act of Congress of October 25, 1918 (Public No. 229), amends the stock-raising homestead act. It provides that, even though an additional entry be made (under the first proviso to sect. 3 of the act of Dec. 29, 1916, 39 Stat., 862), part or all of the land in which is incontiguous to claimant's original entry, he may nevertheless perform the required period of residence on the tract originally entered, if he continues to own it, it being still stipulated, however, that the additional land must be within 20 miles of the original.

2. Accordingly, the first sentence of paragraph 6 of the instructions of January 27, 1917 (Circular No. 523; 45 L. D., 625), is amended to read as follows: "Any person, otherwise qualified, who has a pending or perfected homestead entry for less than 640 acres of land which shall be designated as stock-raising land, is entitled under the first proviso to section 3 of the act, as amended, to make an additional entry for a tract of designated land within a radius of 20 miles from the tract originally entered, and making up therewith an area of not more than 640 acres."

3. The first sentence of the second subparagraph of paragraph 7 of said circular 523 is amended to read as follows: "As to residence, this must be continued for three years, subject to the privilege of a five months' absence in each year, divisible into two periods, if desired, but credit on the residence period on account of military service during time of war will be allowed as on other homestead entries; where an entry has been made, additional to a pending entry, or to a perfected entry for a tract still owned by the claimant, the residence may be had on either of the tracts involved for three years after the additional is allowed, or becomes allowable. In other cases such residence must be on the land additionally entered."

4. Where you have not taken final action, and forwarded the papers, in connection with applications which were filed before October 25, 1918, and which are allowable only by virtue of the provisions of the act of that date, you will take favorable action thereon (or make favorable recommendation, as the case may be) unless adverse claim or withdrawal intervened before the passage of the act.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:
ALEXANDER T. VOGELSANG,
First Assistant Secretary.

:90100°—18

In reply please refer to Circular No. 627.

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONT.
Date DEC 9 1911
Hour 4 PM

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 9, 1913.

: In re information to be
: added by Registers and
: Receivers to application
: for reduction form.

Registers and Receivers,

U. S. Land Offices.

Sirs:

Hereafter, before forwarding to Chiefs of Field Divisions, applications filed by Homestead entrymen for reduction of the area of cultivation required under Section 2291 Revised Statutes as amended by the Act of June 6, 1912 (37 Stat., 123), you will note thereon the date the entry was made and, if proof has been made or application to make proof has been filed, the date of such proof or application.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON

March 1, 1911.

Dear Sir:
In reply to your letter of the 28th inst. regarding the application for a patent for the right of way for a road through the land of the United States, I am sorry to hear that the same has not been granted.

Very respectfully,
U. S. Land Office.

Sir:

Enclosed for you is a copy of the report of the Surveyor General of the District of Columbia, dated March 1, 1911, regarding the application for a patent for the right of way for a road through the land of the United States. The report is in accordance with the provisions of the Act of June 6, 1908 (35 Stat., 125), and you will note therefrom that the same was made and is not of the nature of an application for a patent for the right of way for a road through the land of the United States.

Very respectfully,
CLAY J. LARSEN.

Commissioner.

Approved:

ALEXANDER J. WOODWARD.

First Assistant Surveyor General.

Part 281,110-281.16
7 CFR 43

Still in effect 5/28/54
U. S. RECEIVED
BILLINGS, MONT.

CIRCULAR No. 629.

REGULATIONS GOVERNING APPLICATIONS FOR RESURVEY
UNDER THE ACT OF SEPTEMBER 21, 1918.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 20, 1918.

The act of Congress approved September 21, 1918 (Public, No. 216), provides authority for the resurvey by the Government of townships heretofore held to be ineligible for resurvey under existing departmental regulations by reason of disposals in excess of 50 per cent of the total area thereof.

Briefly, the act provides that upon the application of the owners of three-fourths of the privately-owned lands¹ in any township previously surveyed, or upon the application of a court of competent jurisdiction, accompanied by a deposit of funds sufficient to cover the estimated cost, inclusive of the necessary office work, of the resurvey of *all* of the privately-owned lands in such township, the Commissioner of the General Land Office shall be authorized, in his discretion, subject to the supervisory authority of the Secretary of the Interior, to cause to be made a resurvey of the township in question in accordance with the laws and regulations governing surveys and resurveys of the public lands; the cost of the resurvey of the residue of the public lands in such township to be paid by the Government from the current annual appropriation for the survey and resurvey of the public lands in addition to the portion thereof made available for resurveys and retracements by the provisions of the act of March 3, 1909 (35 Stat., 845), as amended by joint resolution of June 25, 1910 (36 Stat., 884). The total cost of the resurvey of the township is thus divided between the Government and the petitioners in proportion to the extent of their respective holdings.

It is further provided that any portion of such deposit in excess of the actual cost of the field and office work incident to such resurvey of privately-owned lands shall be repaid pro rata to the applicants for resurvey or to their legal representatives.

Attention is directed to the fact that the legislation contained in this act is supplemental to, and is in no sense a repeal or a modification of, similar legislation heretofore enacted, and, consequently, applications for resurvey under the provisions of the act of March 3, 1909, will, when submitted in accordance with the regulations (Circular No. 520) of January 13, 1917 (45 L. D., 603), be received and acted upon as usual.

Applications for resurvey based upon the provisions of the act of September 21, 1918, should, when perfected under the following requirements, be submitted to the United States surveyor general for the district in which the lands are situated, or in case the United States surveyor general's office for that district has been abolished, the petition may be transmitted to the Commissioner of the General Land Office at Washington, D. C. An exception to the foregoing rule occurs in the case of the State of Nebraska, where applications

¹ For the purpose of the administration of this act, lands embraced in school sections, in approved State and railroad selections, and in entries upon which final certificate or patent has issued are regarded as alienated lands.

should be filed with the Assistant Supervisor of Surveys at Neligh, Nebr. Prior to filing formal application, however, the interested parties should obtain from the proper officer, as above designated, an estimate of the cost of the proposed resurvey. (See sec. 4.)

In general, all preliminary correspondence and all requests for information as to status and progress should be addressed to the proper surveyor general, and such inquiries should not be referred to the Commissioner of the General Land Office unless the district is one in which the office of the United States surveyor general or its equivalent is no longer maintained.

The regulations are as follows:

SECTION 1. The applicants for resurvey are required to preface their petition by the statement that the extent of privately owned lands within the township is in excess of 50 per cent of the total area thereof. If necessary, information in this connection may be obtained by the petitioners from the register and receiver of the district land office having local jurisdiction.

Failure to comply with the foregoing condition, or material error in the showing made, will not only result in delaying action upon the petition, but may require its rejection if it is found that the township is not properly subject to resurvey under the terms of the governing act.

SEC. 2. The applicants for the resurvey of any township are required to present satisfactory prima facie evidence of the necessity for such action. In general, it must be shown that the evidences of the original survey are so widely obliterated or that the prevailing survey conditions are so grossly defective as to preclude the satisfactory identification of the subdivisions of the subsisting survey, or that the evidences of the original survey are in such an advanced state of deterioration that action looking to their preservation and perpetuation is expedient as in the public interest.

SEC. 3. The owners of three-fourths of the privately owned lands within the township are required to join in the application, and all petitioners in whom ownership is vested, either individuals, the State, or corporations such as railroad companies whose interests are involved, are further required to supply, following their respective signatures, an accurate description by legal subdivision, section, township and range, of the lands to which title is claimed. Moreover, it must appear that notice of the proposed resurvey has been served upon all owners who have for any reason failed to join in the petition, and in addition, it is highly desirable that all record entrymen who, under the terms of the act are not required to become parties to the petition, be similarly informed to the end that their objections, if any, may be heard and subsequent protests based upon the plea of ignorance may, in so far as possible, be avoided.

SEC. 4. The deposit required of the petitioners by law must accompany the application and must be made in the amount, at the place and in the manner prescribed by the instructions which will accompany the estimate previously secured from the surveyor general or other appropriate officer.

Upon receipt by the proper district officer of an application conforming to the foregoing requirements, he will, after due consideration, transmit the same to the General Land Office with such recommendations as he may deem appropriate. In general, a preliminary

field examination will be authorized by the Commissioner in order to verify the correctness of the allegations upon which the resurvey petition rests and for the further purpose of determining the technical procedure which should properly be adopted under the existing field conditions, and the probable effect thereof upon the rights involved, unless the showing made by the petitioners, when considered in connection with the information made available by the records of this office, is such as to indicate that field examination may properly be waived. Inasmuch, however, as the purpose of such investigations is largely administrative, the expense thereof, when authorized, will be defrayed from the current annual appropriation for surveying the public lands, and no portion thereof will be charged against the deposit made by the applicants.

GENERAL.

The cost of resurvey procedure is as a rule considerably in excess of that incident to the execution of original surveys, and may range between rather wide limits. Where the obliteration is not excessive and the evidences of the original survey are harmoniously related, extensive verifying retracements will be unnecessary and ordinary dependent methods of resurvey can usually be applied. In such cases, the expense involved will probably not exceed \$1,200 per township. If, however, the obliteration is general or total, many miles of preliminary retracement may be required in order to obtain technical control, and where, by reason of errors in the original survey, the existing evidences thereof are discordant and conflicting locations have resulted, the procedure required may, in the case of densely entered townships, involve an expense of \$3,000 or more per township.

The applicants for resurvey should understand, therefore, that although the estimate supplied by the surveyor general will be as nearly correct as the available information will permit, its accuracy can not be guaranteed, and, consequently, all such estimates are subject to revision, if necessary, as the work proceeds and the field conditions are more fully developed. Any deposit in excess of actual cost will be returned to the applicants as provided by law, but in cases where the cost exceeds the deposit made in accordance with the estimate, an additional deposit will be required, failing which, operations will be suspended.

In the application of the terms of this act it is not intended that there shall be undertaken any work involving the mere reestablishment of lost or obliterated or misplaced corners in a limited area of a township—such work being within the province of the local surveyor—and the authority of the surveyor general's office will be restricted to the giving of advice in accordance with the circular for the restoration of lost or obliterated corners. Employees of the Government are prohibited from participating in the resurvey of a township or the reestablishment of lost corners or in the subdivision of sections for private parties, even if the expense is borne by the county or State authorities or by individuals, except as such action is specifically authorized by the Commissioner of the General Land Office in accordance with the provisions of the existing statutes.

Attention is directed to the fact that whereas the expressed purpose of the resurveys authorized by the act of March 3, 1909, *supra*, is primarily "to properly mark the boundaries of the public lands

remaining undisposed of," the evident intent of the legislation now enacted is to reestablish the boundaries of those lands title to which has passed from the United States. The technical process and the results attained are substantially identical under either act, but the administrative procedure and the regulations necessary to safeguard the interests of the Government and those of the petitioners are dissimilar, and, consequently, it is important that the foregoing distinction should be clearly recognized by the applicants for resurvey to the end that the petition may be based upon the legislation under which the township is eligible.

CLAY TALLMAN, *Commissioner*.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

[PUBLIC—No. 216—65TH CONGRESS.]

[H. R. 8004.]

An Act Authorizing the resurvey or retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the application of the owners of three-fourths of the privately owned lands in any township covered by public-land surveys, more than fifty per centum of the area of which townships is privately owned, accompanied by a deposit with the United States surveyor general for the proper State, or if there be no surveyor general of such State, then with the Commissioner of the General Land Office, of the proportionate estimated cost, inclusive of the necessary [office] work, of the resurvey or retracement of all the privately owned lands in said township, the Commissioner of the General Land Office, subject to the supervisory authority of the Secretary of the Interior, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of public lands; that the sum so deposited shall be held by the surveyor general or commissioner when ex officio surveyor general and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives; that the proportionate cost of the field and office work for the resurvey or retracement of any public-lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements; that similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court; that the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this Act into full force and effect.

Approved, September 21, 1918.

Circular No. 631.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington, D. C.

RECEIVED
U. S. LAND OFFICE
WASHINGTON, MON
Date Jan 16-1919
Hour 4 PM

December 24, 1918.

The three year homestead law.
Circular No. 278 amended.

Registers and Receivers,

United States Land Offices.

Sirs:

The second section of paragraph 5 relating to reduction of cultivation of homestead entries made under act of June 6, 1912 (37 Stat., 123), as set forth in Circular No. 278 dated November 1, 1913 (42 L. D., 514), is amended to read as follows:

No reduction in area of cultivation will be permitted on account of expense in removing the standing timber from the land. If lands are so heavily timbered that the entryman can not reasonably clear and cultivate the area prescribed by the statute, such entries will be considered speculative and not made in good faith for the purpose of obtaining a home. The foregoing applies to lands containing valuable or merchantable timber and will not preclude the reduction of area of cultivation on proper showing in cases where the presence of stumps, brush, lodge pole pins or other valueless or non-merchantable timber prevents the clearing and cultivation of the prescribed area.

Very respectfully,

CLAY TALLMAN,

Approved:

Commissioner.

Alexander T. Vogelsang,

First Assistant Secretary.

CIRCULAR NO. 632.

DESIGNATION UNDER ENLARGED HOMESTEAD ACT AND STOCK RAISING ACT--CHANGE
IN REGULATIONS.

Department of the Interior
General Land Office
Washington, D. C.

January 17, 1919.

Registers and Receivers,

United States Land Offices.

Sirs: You are advised that on July 17, 1918, the Secretary of the Interior issued the following instructions:

"The concluding paragraph of Section 43, Circular No. 541, approved April 6, 1917, entitled, "Suggestions to homesteaders and persons desiring to make homestead entries," is hereby modified in order to describe the character of land properly subject to entry under the enlarged homestead act in the following terms,

"Lands containing merchantable timber, or valuable minerals other than coal, phosphate, nitrate, potash, oil, gas or asphaltic minerals, and lands within a reclamation project, or lands which may be irrigated at a reasonable cost from any known source of water supply may not be entered under these acts. Entry may be allowed for the surface only of lands containing any of the minerals named. A legal subdivision will not be regarded as irrigable and excluded from designation under these acts because a minor portion of it is susceptible of irrigation, unless said portion is at least one-eighth thereof. Where there is an application for additional entry after submission of final proof on the original the land covered by the original will not be regarded as irrigable, and excluded from designation, upon the ground that more than one-eighth of any subdivision is irrigable, unless said original embraces the equivalent of twenty or more acres of land in a reasonably compact body that can be thoroughly irrigated and reclaimed.

These instructions will also govern the classification of lands as non-irrigable under the stock-raising homestead act."

Very respectfully,

D. K. PARROTT,

Acting Assistant Commissioner.

RECEIVED
U. S. LAND OFFICE
BILLY, MONI.
Date Jan 20-1919
Hour 9 4 M

RESOLUTIONS OF THE BOARD OF DIRECTORS
IN CONNECTION WITH THE

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RESOLUTIONS
IN CONNECTION WITH THE

January 17, 1914

RESOLUTIONS OF THE BOARD OF DIRECTORS

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RESOLUTIONS OF THE BOARD OF DIRECTORS

"The Board of Directors of the
Company, at its meeting held on
January 17, 1914, has adopted
the following resolutions:
Resolved, That the Board of
Directors do hereby authorize
the President of the Company
to execute and deliver to the
proper authorities all such
documents and papers as may be
required for the purpose of
obtaining a charter for the
Company in the State of New
York, and to do all such other
acts and things as may be
necessary or proper to carry
out the purposes of this
resolution."

IN WITNESS WHEREOF, the Board of Directors has caused this

Resolution to be signed by its President and attested by its Secretary.

Very Respectfully,

J. E. TAYLOR

Secretary of the Board of Directors

(11)

*Still in effect
but
Amended by
Circ. 541 + 1798
750*

CIRCULAR NO. 636.

PROLONGED ABSENCES FROM HOMESTEADS ON ACCOUNT OF CLIMATIC CONDITIONS — ACT OF FEBRUARY 25, 1919 (PUBLIC 257) — INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 25, 1919.

*Registers and Receivers,
United States Land Offices.*

SIRS: Under the homestead law, as it has heretofore stood, a homesteader is entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence, being required to file notice at the beginning and end of each period. It is provided that in case of commutation 14 months' actual residence must be shown, no credit being allowed for the periods of these allowable absences.

By the act of February 25, 1919 (Public No. 257), the following clause is inserted in the law:

Provided, That the register and receiver of the local land office under rules and regulations made by the Commissioner of the General Land Office may, upon proper showing, upon application of the homesteader, and only for climatic conditions, which makes residence on the homestead for seven months in each year a hardship, reduce the term of residence to not more than six months in each year, over a period of four years, or to not more than five months each year over a period of five years, but the total residence required shall in no event exceed twenty-five months, not less than five of which shall be in each year; proof to be made within five years after entry.

2. An entryman desiring to avail himself of the privilege accorded by this act must, within one year after the allowance of his entry, file in the local land office an application (preferably on the approved form) consisting of his affidavit, corroborated by two witnesses, setting forth the climatic conditions which would render it a hardship to reside upon the land for as much as seven months in each year, and stating whether he wishes the requirement in his case to be fixed at six months' residence in four successive years or at five months' residence in five successive years. The affidavit of claimant and the witnesses may be executed before any officer authorized to administer oaths and using an official seal. If the showing is satisfactory, you will promptly forward the application to this office with notation of your allowance thereof, by special letter. If it is not satisfactory, you will reject the application, subject to the usual right of appeal, and all appeals will be promptly forwarded by special letters.

If the application requests a reduction to five months' residence in each year, you may, if proper, grant partial relief; that is, fix the residence period at six months in each year, your decision being subject to review by this office on appeal from your decision, of which the party will be notified with all promptness.

3. Where a homesteader has secured a reduction of the residence requirements to six months in each year, he may, at or before the termination of the second year of his entry, file application for further reduction; that is, to five months in each of five years.

4. To entitle a homesteader to the benefits of this act, he must show that the climatic conditions in the vicinity of the land entered are ordinarily—not in exceptional years—such as would render it a hardship for him to reside there for a greater part of each year than for five or for six months, as the case may be.

5. Under this provision of the law there is no authority to allow two absence periods, but the five months' residence or the six months' residence, as the case may be, must be in one continuous period.

6. Proof on an entry must be made within five years after its allowance, notwithstanding the fact that relief may have been granted under this act; but the homesteader need not wait until the termination of his fifth residence year before submitting proof, provided he has had the last required period of residence.

7. An entry which is otherwise subject to commutation may be commuted, notwithstanding the granting of relief to the homesteader under this provision of law; but the periods of actual residence on the claim must aggregate at least 14 months and cultivation of not less than one-sixteenth of the area must be shown, unless a reduction has been granted in the requirements in that regard.

8. Credit on account of a period of military service will be allowed as on other entries, but at least one year's compliance with the homestead laws must be shown in every case.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved,

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

[Form approved by the Secretary of the Interior March 25, 1919.]

DEPARTMENT OF THE INTERIOR.

United States Land Office..... No.....

APPLICATION FOR CHANGE IN RESIDENCE REQUIREMENTS.

To the Register and Receiver:

I, of, holder of
Homestead Entry made, for

.....
hereby apply under the act of Congress of February 25, 1919 (Public 257), for per-
mission to show on final proof, residence upon my claim for months during
each of successive years in lieu of showing the residence ordinarily required
by section 2291 of the Revised Statutes.

In support of this request I make the following statement as to the climatic con-
ditions in the vicinity where my entry is situated, as the result of which it would
impose a hardship, to require residence on said land for as much as seven months in
each year:

.....
(Sign here, with full Christian name.)

NOTE.—Every person swearing falsely to the above affidavit will be punished as
provided by law for such offense. See section 125, United States Criminal Code.

I hereby certify that the foregoing affidavit was read to or by affiant in my presence
before affiant affixed signature thereto; that affiant is to me personally known (or has
been satisfactorily identified before me by.....)

.....
(Give full name and post-office address.)

that I verily believe affiant to be the identical person hereinbefore described; and
that said affidavit was duly subscribed and sworn to before me, at my office, in

....., within the.....
(Town.)

.....
(County and State.)

..... Land District, this day of

....., 19...

.....
(Official designation of officer.)

CORROBORATING AFFIDAVITS.

We, of
 (Give full Christian name.) (Give full post-office address.)
 years of age, and by occupation and
 of
 (Give full Christian name.) (Give full post-office address.)
 years of age, and by occupation do
 solemnly swear that we are well acquainted with the land entered, and have known
 the climatic conditions existing where said land is situated, for years and
 years, respectively; that we have read the statements made in said applica-
 tion; and that we know said statements to be true.

.....
 (Sign here, with full Christian name.)

.....
 (Sign here, with full Christian name.)

I hereby certify that the foregoing affidavit was read to or by affiants in my presence
 before affiants affixed signatures thereto; that affiants are to me personally known (or
 have been satisfactorily identified before me by),
 and I believe them to be the identical persons hereinbefore described, and that said
 affidavit was duly subscribed and sworn to before me, at my office in
 (Town.)

..... County, State of;
 within the land district, this day of
, 19.....

.....
 (Official designation of officer.)

NOTE.—Every person swearing falsely to the above affidavit will be punished as
 provided by law for such offense. See section 125, United States Criminal Code.

UNITED STATES LAND OFFICE AT
, 19...

This application is granted and the entryman is given the privilege of showing on
 final proof residence upon his claim for a period of months in each of
 successive years.

.....
 (Register.)

.....
 (Receiver.)

SEC. 125, UNITED STATES CRIMINAL CODE.

Whoever, having taken an oath before a competent tribunal, officer, or person in
 any case in which a law of the United States authorizes an oath to be administered
 that he will testify, declare, depose, or certify truly, or that any written testimony,
 declaration, deposition, or certificate by him subscribed is true, shall willfully and
 contrary to such oath, state or subscribe any material matter which he does not believe
 to be true, is guilty of perjury, and shall be fined not more than \$2,000 and imprisoned
 not more than five years.

In reply please refer to Circular No. 637.

*Will be in effect
5/28/1919*

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

*See also 534, 716, 759,
700, 1229, 1257*

April 8, 1919.

Final certificates on reclamation entries to be endorsed to show that they do not cover water-right charges.

Registers and Receivers,

U. S. Land Offices.

Sirs:

In order to avoid any misunderstanding on the part of entrymen as to the meaning of final certificates issued on reclamation entries, you will hereafter endorse across the face of each such final certificate a statement to the effect that it does not cover payment of water-right charges and that the patent to be issued on it will reserve to the United States a lien for the payment of such charges. The endorsement shall be made both on the original and duplicate.

Rubber stamps have been ordered for the purpose, and as soon as they are received each register who will have use for it will be furnished with one. No requisition will be necessary.

Very respectfully,

CLAY TALLMAN,

Commissioner.

CIRCULAR NO. 638.

RESERVOIRS FOR WATERING STOCK ON UNSURVEYED LANDS— PRIOR REGULATIONS AMENDED.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 8, 1919.

*Registers and Receivers,
United States Land Offices.*

SIRS: It is ordered that paragraph 36 of the circular of June 6, 1908 (36 L. D., 576), being a part of that portion of said circular which relates to use and occupancy of public lands with and by reservoirs for stock-watering purposes under the act of January 13, 1897 (29 Stat., 484), be, and the same is hereby, amended to read as follows:

"36. (a) In any case where the proposed reservoir is to be located upon unsurveyed public land, the declaratory statement may be filed, the land being therein described by metes and bounds and, as well, by the description which it is believed it will bear when officially surveyed. Proof of construction must be submitted at the end of the same period of time and in the same manner as is prescribed and required in cases where the lands have been previously surveyed. Such proof should embrace the field notes and a plat of a survey such as is required in cases of reservoirs on surveyed lands, with such modifications as are necessary (par. 32), the initial point of such survey being fixed by means of a traverse line run to the nearest existing corner of a public-land survey, not more than six miles distant from such point; if there be no such corner within that limit of distance, then the reference should be to some well-known or easily identifiable natural monument or, such monument being absent, to a fixed, permanent, and readily recognizable artificial monument.

"(b) Any reservation made pursuant to this statute secures only a license to use and occupy the reserved land with and for a reservoir, and this license may endure permanently or may be of transient duration. No estate in the land is granted. For this reason it is administratively undesirable that private surveys made pursuant to the statute and these regulations shall be preserved and established by subsequent public-land surveys and approved plats thereof. When, therefore, the public-land surveys have been extended over land covered by a reservoir declaratory statement affecting unsurveyed lands, the declarant shall adjust his survey to the lines of the official survey, showing the location of the reservoir with respect to said lines by means of properly established tie lines. Any subsequent

reservation which may be ordered will be of those subdivisions thus shown to be occupied by or necessary for the proper use of the reservoir.

"(c) An annual affidavit of maintenance must be submitted the same as though the reservoir had been constructed on surveyed lands. Nothing in these regulations contained shall preclude the General Land Office or the department from requiring additional information in any case where that information is deemed proper or necessary."

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

See Cir. 564 + 646, 750

CIRCULAR NO. 641.

SOLDIERS, SAILORS, AND MARINES SERVING DURING OPERATIONS ON THE MEXICAN BORDER AND DURING THE WAR WITH GERMANY—CREDIT ON ACCOUNT OF SERVICE—ACT OF FEBRUARY 25, 1919 (PUBLIC, 273)—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 25, 1919.

*Registers and Receivers,
United States Land Offices.*

PERIOD OF SERVICE.

SIRS: Under the terms of the act of Congress of February 25, 1919 (Public, 273), a copy of which is appended, any officer, soldier, sailor, or marine who has served, or shall serve, not less than 90 days in the Army, Navy, or Marine Corps of the United States during the war with Germany and its allies, or during the operations in Mexico or along the borders thereof, who has been honorably discharged, who has not exhausted his homestead right, and who makes a homestead entry, is entitled to have the term of his service, but not exceeding two years, deducted from the three years' residence required under the homestead laws. If his service continues after the end of the war under the same enlistment (having served 90 days during the war), he may have credit for his entire period of service. If he was discharged on account of wounds or disability incurred in the line of duty, he obtains credit for his whole term of enlistment; and said term extends to the end of the war if he enlisted or was drafted for its duration. However, in neither of these cases can the credit given exceed two years.

With respect to the period of the operations in Mexico or along the borders thereof, the privilege is given also to persons in the National Guard of any State engaged in the service of the United States.

Hereafter, in this circular, the word "soldier" will be used to designate any person of the classes mentioned, as defined by the public resolution of August 29, 1916, and the act of July 28, 1917, copies of which are appended.

CREDIT ON ACCOUNT OF MILITARY SERVICE.

2. A soldier is required to establish residence upon the land involved within six months after his entry is allowed, unless an extension of time is granted on account of climatic reasons, sickness, or

other unavoidable cause. If he has filed a declaratory statement, as hereinafter explained, he must file his application for entry and establish residence within six months after the filing of such statement.

Residence and cultivation must be continued for such length of time as will make up three years, when added to the soldier's credit on account of military service; but he is entitled, on proper notice, to absent himself for five months in each year, which may be divided into two periods, if he so desires.

Proof can not be submitted and final certificate and patent be issued until the soldier shall have had residence and cultivation for at least one year, which means seven months' actual residence on the land, plus not exceeding five months' absence during that year. This is irrespective of the credit to which he may be entitled. He must also show that there is a habitable house upon the land.

If he obtains so much credit for military service that there is required only one year's residence upon his claim, he must show only such amount of cultivation as will evidence his good faith as a homestead claimant. If his credit is such as to require more than one year's residence, he must show cultivation to the extent of one-sixteenth of the area of the land beginning with the second year of the entry. If the credit is so small that there is required more than two years' residence, he must prove cultivation of one-sixteenth of the area during the second year and one-eighth thereof during the third year and until submission of proof.

STOCK-RAISING ENTRIES.

3. In connection with entries under the stock-raising homestead act the usual credit on the residence period is given, but the requirements as to improvements are the same on a soldier's entry as on that of a civilian.

FOUR-YEAR AND FIVE-YEAR PROOFS.

4. Under the act of February 25, 1919 (Public, 257), the department may make an order, pursuant to a homesteader's application, permitting him to show, on final proof, residence for six months in each of four successive years, or residence for five months in each of five successive years, where the climatic conditions would make residence on the homestead for seven months in each year a hardship. In such cases credit on account of a period of military service will be allowed, which credit may exceed two years; but at least one year's compliance with the homestead laws must be shown on such entries, regardless of the amount of credit to which the soldier is entitled. As to entries (other than stock-raising claims) where more than two years' residence is required, there must be shown cultivation of one-sixteenth of the area during the second year and one-eighth thereof during the third year and until submission of proof.

COMMUTATION.

5. No credit for military service is allowed where commutation proof is submitted.

OPERATIONS IN MEXICO.

6. The operations in Mexico or along the border thereof, above referred to, are regarded as having begun May 9, 1916, the date of the President's order mobilizing the militia of Arizona, New Mexico, and Texas. Persons then serving in the Army, Navy, or Marine Corps and in the National Guards of those States who were mustered into service will be given credit on account of their service from that date. Such members of the National Guards of the other States and the District of Columbia as were mustered into the Federal service will be given credit from June 18, 1916, the date of the order for their mobilization. Credit for service will be given the guardsmen until the dates of their discharge from the service, but the operations referred to will be held to have continued until after the beginning of the war with Germany, there not being any material interruption in the service of those who were mustered into the United States Army during said war.

DURATION OF THE WAR.

7. The war with Germany and its Allies commenced April 6, 1917, and its termination will be marked by the date of the proclamation of the treaty of peace by the President of the United States.

BEGINNING OF SERVICE.

8. So far as concerns the war with Germany, the service begins, within the meaning of this act, from the time of voluntary entrance of privates into the Army, Navy, or Marine Corps, or appointment of officers (including those appointed from the Officers' Training Corps); in the case of a person enlisted in the Naval Reserve, from the time he was called into active service; in the case of a drafted man, from the time he was mustered into service; in the case of members of the Federalized National Guard, from the time they were mustered into the United States service, and the act has no application to other State troops; in the case of members of the Red Cross, only from the time they actually became identified with and a part of the military or naval forces of the United States, and the act does not apply to other members of the Red Cross.

EVIDENCE OF SERVICE.

9. A party claiming the benefit of his military service must file with the register and receive a certified copy of his certificate of discharge, showing when he enlisted, when he was discharged, and the organization in which he served, or the affidavit of two disinterested witnesses, corroborative of the allegations contained in his affidavit on these points, or if neither can be procured, his own affidavit to that effect. In all cases the facts as to the alleged service will be verified from the records of the War or Navy Department.

10. An alien who has served in the Army, Navy, or Marine Corps during the war with Germany and its allies is in the same position with regard to citizenship as though he had declared his intention to become a citizen, and is, therefore, qualified in that respect to make a homestead entry. (Sec. 1 of the act of May 9, 1918, 40 Stat., 542). However, he is not entitled to receive final certificate and patent until he shall have been fully naturalized.

SOLDIERS' DECLARATORY STATEMENTS.

11. A soldier may, if he so desires, file a declaratory statement at the proper local land office, describing the land for which he desires to file homestead application within the next six months. His affidavit, showing his right to file the statement and thereafter to make homestead entry, must be executed in the same manner as a homestead application; that is, within the county or land district in which the tract is situated, before the register or the receiver, or before a United States commissioner or the judge or clerk of a court of record. The statement loses all validity unless followed by the filing of an application within the six months' period, accompanied by the regular fee and commissions; and the six months allowed for establishing residence dates from the filing of the statement.

The only essential advantage of this course of procedure is that the payment of the fee and commissions and, in case of Indian lands, the first installment of the price may be thus postponed; for the office fees in connection with a declaratory statement amount to only \$2 in the more easterly States and \$3 in the far-western States. However, it must be remembered that a soldier who files a declaratory statement and fails to make entry following same has used his homestead right and will not be permitted to make another filing unless he can show reasons beyond his control which prevented his making entry and perfecting title thereunder.

The present act does not extend section 2309, Revised Statutes, to the soldiers referred to therein and, therefore, there is no authority of law to allow them to execute declaratory statements *through agents*.

RIGHTS OF WIDOW AND HEIRS.

12. If the soldier makes a valid settlement on public land or files a declaratory statement or makes a homestead entry, and dies before perfecting it, the right to perfect the claim, with credit for his military service, passes to his widow; or if there be no widow to his heirs and devisees. The devisees take precedence over the heirs except when the latter are all minor children of the soldier.

Very respectfully,

CLAY TALLMAN, *Commissioner*.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(PUBLIC—No. 273—65TH CONGRESS.

[H. R. 13353.]

AN ACT To extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States who have served or will have served with the Mexican border operations or during the war between the United States and Germany and her allies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the conditions therein expressed, as to length of service and honorable discharge, the provisions of sections twenty-three hundred and four and

twenty-three hundred and five, Revised Statutes of the United States, shall be applicable in all cases of military and naval service rendered in connection with the Mexican border operations or during the war with Germany and its allies as defined by public resolution numbered thirty-two, approved August twenty-ninth, nineteen hundred and sixteen (Thirty-ninth Statutes at Large, page six hundred and seventy-one), and the act approved July twenty-eighth, nineteen hundred and seventeen (Fortieth Statutes at Large, page two hundred and forty-eight).

Approved, February 25, 1919.

REVISED STATUTES.

(As amended by act of Mar. 1, 1901, 31 Stat., 847.)

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion for ninety days, and who was honorably discharged * * * shall, on compliance with the provisions of this chapter as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one-quarter section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead and filing his declaratory statement within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That in every case in which a settler on the public land of the United States under the homestead laws died while actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the War with Spain or the Philippine insurrection, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, may proceed forthwith to make final proof upon the land so held by the deceased soldier and settler, and that the death of such soldier while so engaged in the service of the United States shall, in the administration of the homestead laws, be construed to be equivalent to a performance of all requirements as to residence and cultivation for the full period of five years, and shall entitle his widow, if unmarried, or in case of her death or

marriage, then his minor orphan children or his or their legal representatives, to make final proof upon and receive Government patent for said land; and that upon proof produced to the officers of the proper local land office by the widow, if unmarried, or in case of her death or marriage, then his minor orphan children or his or their legal representatives, that the applicant for patent is the widow, if unmarried, or in case of her death or marriage his orphan children or his or their legal representatives, and that such soldier, sailor, or marine died while in the service of the United States as hereinbefore described, the patent for such lands shall issue.

Public resolution No. 32, approved August 29, 1916, provides:

"That the provisions of the act approved June 16, 1898, chapter 458 (30 Stat., 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico, or along the borders thereof, or in mobilization camps elsewhere, whether such service be in the military or naval organization of the United States or the National Guard of the several States now or hereafter in the service of the United States." (39 Stat., 670.)

The act of June 16, 1898, provides:

"That in every case in which a settler on the public land of the United States under the homestead laws enlists or is actually engaged in the Army, Navy, or Marine Corps of the United States as private soldier, officer, seaman, or marine during the existing war with Spain, or during any other war in which the United States may be engaged, his services therein shall, in the administration of the homestead laws, be construed to be equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, unless it shall be alleged in the preliminary affidavit or affidavits of contest, and proved at the hearing in cases hereafter initiated, that the settler's alleged absence from the land was not due to his employment in such service: *Provided*, That if such settler shall be discharged on account of wounds received or disability incurred in the line of duty then the term of his enlistment shall be deducted from the required length of residence without reference to the time of actual service: *Provided further*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements." (30 Stat., 473.)

Section 1 of the act of July 28, 1917, provides:

"That any settler upon the public lands of the United States, or any entryman whose application has been allowed, or any person who has made application for public lands which thereafter may be allowed under the homestead laws, who, after such settlement, entry, or application, enlists or is actually engaged in the military or naval service of the United States as a private soldier, officer, seaman, marine, national guardsman, or member of any other organization for offense or defense authorized by Congress during any war in which the United States may be engaged, shall, in the administration of the homestead laws, have his services therein construed to be

equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon; and hereafter no contest shall be initiated on the ground of abandonment, nor allegation of abandonment sustained against any such settler, entryman, or person unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases hereinafter initiated that the alleged absence from the land was not due to his employment in such military or naval service; that if he shall be discharged on account of wounds received or disability incurred in the line of duty, then the term of his enlistment shall be deducted from the required length of residence, without reference to the time of actual service: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year."

Circular No. 643.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Washington

May 2, 1919.

: Regulations under the act of
: February 28, 1919 (Public No.
: 302), providing for the relief
: of settlers upon certain rail-
: road lands in the State of
: Montana.

Registers and Receivers,
United States Land Offices,
Billings, Bozeman, Glasgow, Great
Falls, Havre, Helena, Kalispell,
Lewistown, Miles City and
Missoula, Montana.

Sirs:

Appended hereto is a copy of the act of Congress, approved February 28, 1919 (Public No. 302, 65th Congress), providing for the relief of certain settlers upon indemnity lands of the Northern Pacific Railway Company in the Indian reservation therein described in the State of Montana.

In response to request that it indicate its formal acceptance of the provisions of the Act the Railway Company by its Land Commissioner on March 25, 1919, advised this office that it was willing to proceed with the adjustment under the Act in meritorious cases, in accordance with the previous correspondence leading up to the passage of the Act. Such correspondence indicated that the number of cases to be adjusted would not exceed sixty, embracing not more than 17,000 acres.

LANDS SUBJECT TO ACT

The lands affected by the act are lands within the indemnity limits of the grant to the Northern Pacific Railroad (now Railway) Company, through that portion of the former reservation for the Gros Ventre, Piegan, Blood, Blackfoot and River Crow Indians, lying south of the Missouri River in the State of Montana, found to be in the possession of actual bona fide qualified settlers under the homestead laws of the United States, who have made substantial improvements thereon

and which lands have been adjudged by the Secretary of the Interior to inure to the Northern Pacific Railway Company under the grants made to its predecessor in interest, the Northern Pacific Railroad Company.

Settler Claims.

The list of sixty cases hereinbefore referred to, does not appear to have been filed, but the company will be requested to file the same for consideration. Upon receipt of said list, the cases of the various settlers will be examined. Where they are found to come within the terms of the act, the company will be requested to file relinquishments of the lands involved in favor of the settlers and to select other lands in lieu thereof, as provided by the act.

It is not intended by this statement to assume that the sixty cases referred to are all the cases which come within the provisions of the act, but where other conflicting claims are brought to the attention of the Department and it is found that they are of the character contemplated by the act, and the lands adjudged to inure to the Northern Pacific Railway Company under the grants made to its predecessor in interest, the Northern Pacific Railroad Company, under the acts of July 2, 1864 (13 Stat., 365), and May 31, 1870 (16 Stat., 378), the attention of the officers of the railway company will be called thereto and relinquishments will be requested for the benefit of the settler claimants.

RELINQUISHMENTS - HOW MADE

Relinquishments by the railway company may be the same in manner and form as those provided for by the circular of February 14, 1899 (28 L. D., 103), under the act of July 1, 1898 (30 Stat., 597-620). Where title has passed to the company by patent, a formal deed of reconveyance will be required, accompanied by evidence satisfactorily showing that the company has not sold or contracted to sell the tract therein described or in any manner encumbered the same.

DISPOSITION OF LAND RELINQUISHED

Upon the filing with and acceptance by the Commissioner of the General Land Office of relinquishments by the railway company, the lands relinquished will be treated as having reverted to the United States and the settler claimants will be permitted to perfect their claims in the manner provided by the homestead laws. The railway company, upon proper application, will be permitted to select an equal quantity of other lands in lieu of those relinquished, in the manner directed by the act, to which it shall receive title as though originally granted.

LAND SUBJECT TO LIEU SELECTION

The lands subject to selection in lieu of those relinquished are surveyed public lands within the State of Montana, not mineral, and not otherwise appropriated at the date of selection. Lands withdrawn or classified as coal lands are subject to selection by the company, but as to these, the act provides that the company shall receive the restricted patent provided for by the act of June 22, 1910 (36 Stat., 583).

ACT NOT MANDATORY

It is to be observed that the act is not mandatory upon the railway company, but authorizes it to file relinquishments in favor of such settlers, within the territory designated as have made substantial improvements upon lands adjudged by the Secretary of the Interior to have inured to the railway company under the grants mentioned. It depends for its effect upon the concurrent action of the railway company, the Land Department and the settlers affected thereby.

Very respectfully,

CLAY TALLMAN.

Commissioner.

APPROVED:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

(1073)

(Public- No. 302- 65th Congress.)
(S. 935.)

An Act For the relief of settlers on certain railroad lands in Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the adjustment of the grants to the Northern Pacific Railroad Company, if any of the lands within the indemnity limits of said grants through that portion of the former reservation for the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Indians lying south of the Missouri River in the State of Montana, be found in possession of an actual bona fide qualified settler under the homestead laws of the United States who has made substantial improvements thereon and such land has been adjudged by the Secretary of the Interior to inure to the Northern Pacific Railway Company under the grants made to its predecessor in interest, the Northern Pacific Railroad Company, the Northern Pacific Railway Company, upon request of the Secretary of the Interior may file a relinquishment of said lands in favor of the settler and shall then be entitled to select an equal quantity of other lands in lieu thereof from any of the surveyed public lands within the State of Montana, not mineral and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted: Provided, however, That lands withdrawn or classified as coal lands may be selected by said company, and as to such lands it shall receive a restricted patent as provided by the Act of June twenty-second, nineteen hundred and ten.

Approved, February 28, 1919.

12-1-1912

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

REPORT OF THE CHIEF OF THE DEPARTMENT

For the year ending June 30, 1912

The Department of Chemistry has during the year been engaged in a number of important investigations. The work of the department has been carried on in the following fields:

1. *Physical Chemistry* - The study of the properties of matter in the liquid and solid states. The work of this group has been directed towards the determination of the heats of fusion and solidification of a number of organic compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

2. *Organic Chemistry* - The study of the chemical properties of carbon compounds. The work of this group has been directed towards the synthesis of new organic compounds and the study of the reactions of known compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

3. *Inorganic Chemistry* - The study of the chemical properties of inorganic compounds. The work of this group has been directed towards the study of the properties of a number of new inorganic compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

4. *Analytical Chemistry* - The study of the methods of determining the composition of substances. The work of this group has been directed towards the development of new methods of analysis and the application of these methods to the determination of the composition of a number of substances. The results of these investigations have been published in the *Journal of the American Chemical Society*.

5. *Chemical Education* - The study of the methods of teaching chemistry. The work of this group has been directed towards the development of new methods of teaching chemistry and the application of these methods to the instruction of a number of students. The results of these investigations have been published in the *Journal of the American Chemical Society*.

The Department of Chemistry has during the year been engaged in a number of important investigations. The work of the department has been carried on in the following fields:

1. *Physical Chemistry* - The study of the properties of matter in the liquid and solid states. The work of this group has been directed towards the determination of the heats of fusion and solidification of a number of organic compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

2. *Organic Chemistry* - The study of the chemical properties of carbon compounds. The work of this group has been directed towards the synthesis of new organic compounds and the study of the reactions of known compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

3. *Inorganic Chemistry* - The study of the chemical properties of inorganic compounds. The work of this group has been directed towards the study of the properties of a number of new inorganic compounds. The results of these investigations have been published in the *Journal of the American Chemical Society*.

4. *Analytical Chemistry* - The study of the methods of determining the composition of substances. The work of this group has been directed towards the development of new methods of analysis and the application of these methods to the determination of the composition of a number of substances. The results of these investigations have been published in the *Journal of the American Chemical Society*.

5. *Chemical Education* - The study of the methods of teaching chemistry. The work of this group has been directed towards the development of new methods of teaching chemistry and the application of these methods to the instruction of a number of students. The results of these investigations have been published in the *Journal of the American Chemical Society*.

CIRCULAR NO. 644.

**PROOFS, AFFIDAVITS, OATHS—EXECUTION BEFORE
DEPUTY CLERKS OF COURTS.**

INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 8, 1919.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

SIRS: The instructions of March 1, 1907 (35 L. D., 436), directing that oaths, affidavits, and proofs required in public-land matters, made after May 1, 1907, before deputy clerks of courts, be not accepted, are hereby vacated.

Hereafter, such oaths, affidavits, and proofs, made before a duly qualified deputy clerk of court, who regularly acts for the clerk and performs the duties of the office in the name of his principal at the county seat, may be accepted.

Very respectfully,

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CLAY TALLMAN,
Commissioner.

118679°—19

WASHINGTON: DOMESTIC TELETYPE OFFICE: 1919

Circular No. 646.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

Washington June 4, 1919.

Military Service - Acts of July 28, 1917,
and February 25, 1919.

Registers and Receivers,
United States Land Offices.

Sirs:

In applying credit for military or naval service in connection with final proofs on homestead entries, you will make no distinction between the Act of July 28, 1917 (40 Stat., 248), and the Act of February 25, 1919 (Public No. 273); i. e., if the claimant has had two years military service, he will only be required to comply with the law as to residence for one year and cultivate a sufficient area to demonstrate his good faith; if he has only one year's military service, he must comply with the law as to residence for two years and cultivate at least one-sixteenth of the area the second year. If, however, the soldier delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

CIRCULAR NO. 647.

INSTRUCTIONS AS TO INSTALLMENT PAYMENTS REQUIRED IN CONNECTION WITH HOMESTEAD AND OTHER ENTRIES AFTER PERIOD OF MILITARY OR NAVAL SERVICE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 9, 1919.

*Registers and Receivers,
United States Land Offices.*

SIRS: Payments required in connection with entries of ceded Indian lands and other entries by those in the military or naval service were suspended during the period of such service by section 501, of the act of March 8, 1918 (Public, No. 103).

No direction was given in Circular No. 600, issued under the said section 501, as to when the said suspended payments must be paid, other than the direction that—

“* * * no entries will be canceled upon the ground indicated (nonpayment of sums due) until the expiration of six months after the end of the war and after the discharge of the entryman from the service unless such discharge shall have occurred at an earlier date, in which case said six-months' period will begin to run from the time of his discharge.”

The period of the military or naval service should not be considered a part of the aggregate period of time originally allowed for the completion of installment payments, and the time for making such payments should be appropriately extended. Where the duration of the military or naval service is one year or less, the time of payment of each installment maturing during or after the term of the military or naval service, under the law under which the entry was made, will be extended for one year; where the military or naval service is between one and two years, the extension will be for two years; and similar extensions will be granted for longer terms of military or naval service. The payments so extended will be due upon the same day of the year as now fixed, and no interest will be charged during the period of the suspension of any payment.

As to entries in reclamation projects, see Circular No. 820, dated May 16, 1919, issued by the United States Reclamation Service.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

123754°—19

Circular No. 648. *Obsolete. See Cir.*

Approximation abolished as applied to Soldiers' Additional

1861

Homestead Entries.

Department of the Interior,
General Land Office,
Washington, D.C. June 24, 1919.

Registers and Receivers,
United States Land Offices.

Sirs:

On June 13, 1919, the Secretary of the Interior made the following ruling in regard to the rule of approximation as applied to Soldiers' additional homestead entries:

"The Commissioner of the
General Land Office.

Dear Mr. Commissioner:

The Department has considered the present practice of permitting the rule of approximation to be applied to soldiers' additional homestead entries.

Approximation was permitted as to soldiers' additional homestead entries in the instructions of the Commissioner of the General Land Office, dated September 27, 1875 (see Miles Schoolcraft, 2 Copps Land Owner, 99), and in the case of Richard Dotson decided September 12, 1891 (13 L.D., 275). At that time, however, this Department held that the right of additional entry was personal to the soldier and could not be assigned. After the decision of the Supreme Court in Webster v. Luther (163 U.S., 331), the same practice still obtained. The result is that these rights are being located practically entirely by assignees of the parties entitled to the right. Such assignees purchase them from dealers in this so-called soldiers' scrip. By means of dividing the rights into various parts and by the application of the rule of approximation, areas of public land larger than necessary to satisfy the rights are being acquired by means of excess payments at \$1.25 per acre to the advantage of the dealer in the scrip but without material benefit to the soldier or his representatives and in violation of the spirit of the act of March 2, 1889 (25 Stat., 854), prohibiting private entry except in the State of Missouri.

In his opinion February 25, 1899 (28 L.D., 149), Assistant Attorney General Van Devanter, held that there was no reason for applying the rule of approximation to soldiers' additional homestead entries in Alaska since at that time the regular public land surveys had not been extended to the Territory and the

lands were entered under special surveys. The area embraced in the surveys, therefore, could be made equal to the area of the right. Since assignments of soldiers' additional homestead rights may be made in amounts differing from the quantity of land in legal subdivisions according to the public surveys (William C. Carrington, 32 L.D., 203), and since two or more rights or portions thereof may be located upon the same tract of land (Ole B. Olsen, 33 L.D., 225), there is no practical reason necessitating the allowance of approximation, and as remarked in George E. Lemmon (36 L.D., 543), approximation is a purely administrative equitable rule not founded upon any law and can not be insisted upon as an absolute right, and where the privilege is abused to accomplish an evasion of the law, the Land Department has full power to change the rule to prevent such abuse.

Accordingly, the rule of approximation will no longer be permitted in the location of soldiers' additional homestead rights whether in their entirety, partly or in combination with other rights or parts thereof. These instructions will become effective September 1, 1919, and locations of such rights made on and after that date will be governed hereby. You will prepare the necessary instructions to the local land offices.

Cordially yours,
Alexander T. Vogelsang,
First Assistant Secretary."

You are, accordingly, directed to require applicants for location of rights under Sections 2306 and 2307 of the Revised Statutes (commonly known as Soldiers' additional homestead entries) on and after September 1, 1919, to tender rights of sufficient area to equal the area of the land sought to be located.

Very respectfully,

CLAY TALLMAN

Commissioner.

CIRCULAR No. 649.

VACANT PUBLIC LANDS ON JULY 1, 1919.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 1, 1919.

The following tables show, by States, land districts, and counties, the area of unappropriated and unreserved public lands, surveyed and unsurveyed, with a brief statement of their character.

These figures are as nearly correct as is possible under the circumstances and are mainly intended to convey general information as to the quantity and character of public lands in the land districts and counties of the different States. The General Land Office can furnish no more definite information as to the location or character of the vacant lands than is here given, nor can it furnish plats or maps showing the vacant lands.

Neither the General Land Office nor the local offices can advise inquirers as to the location of the unappropriated tracts in counties where only a few acres are reported as vacant. Information on that subject may be obtained by a careful examination of the records of the local offices, which are open for inspection when not in official use.

A diagram of any township, showing the entered lands therein, may be obtained from the register and receiver of the proper local office at a cost of \$1; in ordering such a diagram the township and range numbers should be given.

If, because of the pressure of current business relating to the entry of lands, registers and receivers are unable to make the plats or diagrams mentioned above, they may refuse to furnish the same and return the fee to the applicant, advising him of their reason for not furnishing the plats requested; that he may make the plats or diagrams himself or have same made by his agent or attorney; and that he may have access to the plats and tract books of the local land office for this purpose, provided such use of the records will not interfere with the orderly dispatch of the public business.

The local officers furnish prospective settlers general advice as to lands in their respective districts and literature regarding the method of making entry. However, personal inspection must be made of the tract to be entered before application is filed, and the settler should exercise great care to satisfy himself as to its character before taking any other step.

VACANT PUBLIC LANDS ON JULY 1, 1919.

Statement showing the area of land unappropriated and unreserved on July 1, 1919.

[Counties containing no unappropriated lands are omitted.]

ALABAMA.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Montgomery:				
Autauga.....	160		160	Sandy, pine.
Baldwin.....	3,000		3,000	Rolling, pine, sandy.
Barbour.....	80		80	Broken, pine.
Calhoun.....	200		200	Broken, hilly, rolling.
Cherokee.....	2,200		2,200	Do.
Chilton.....	360		360	Pine, broken, rolling.
Choctaw.....	600		600	Do.
Clark.....	340		340	Do.
Clay.....	1,080		1,080	Hilly, broken, pine.
Cleburne.....	2,480		2,480	Do.
Colbert.....	120		120	Do.
Conecuh.....	240		240	Level, pine, sandy.
Coosa.....	640		640	Pine lands, rolling.
Covington.....	480		480	Level, pine lands.
Crenshaw.....	160		160	Broken, rolling, pine.
Dale.....	340		340	Do.
Dekalb.....	320		320	Do.
Escambia.....	160		160	Level pine lands, rolling.
Etowah.....	280		280	Broken, rocky, hilly.
Fayette.....	3,000		3,000	Broken, hilly, pine.
Franklin.....	640		640	Do.
Geneva.....	160		160	Level, pine, sandy.
Green.....	80		80	Broken, pine.
Houston.....	240		240	Level, pine, sandy.
Jackson.....	2,440		2,440	Broken, rolling, pine.
Lamar.....	560		560	Do.
Lauderdale.....	1,400		1,400	Level, pine, broken.
Madison.....	5,240		5,240	Broken, mountainous, pine.
Marion.....	1,800		1,800	Hilly, broken, pine.
Marshall.....	600		600	Level, pine lands.
Mobile.....	200		200	Level, pine, broken.
Monroe.....	200		200	Broken, hilly, rolling.
Morgan.....	1,120		1,120	Do.
Perry.....	40		40	Level, pine.
Pickens.....	260		260	Broken, hilly, rolling, pine.
Pike.....	200		200	Level, pine.
St. Clair.....	200		200	Broken, hilly, rolling, pine.
Shelby.....	200		200	Broken, rolling, pine.
Sumter.....	80		80	Level, broken, pine.
Talladega.....	800		800	Broken, hilly, pine.
Tuscaloosa.....	4,120		4,120	Do.
Walker.....	200		200	Broken, rolling, pine.
Washington.....	680		680	Do.
Winston.....	40		40	Do.
State total.....	37,740		37,740	

1 "Do." is an abbreviation of the word "ditto" which means "the same."

ARIZONA.

Phoenix:				
Apache.....	528,033		528,033	Mountainous, arid, timber.
Cochise.....	396,939	345,747	742,686	Mountainous, grazing.
Coconino.....	330,168	8,283	338,451	Mountainous, grazing, timber.
Gila.....	35,718	100,000	135,718	Arid, broken.
Graham.....	352,483	568,698	921,181	Mountainous, grazing, broken.
Greenlee.....	99,372	263,000	362,372	Do.
Maricopa.....	962,346	2,050,438	3,012,784	Arid, grazing, broken.
Mohave.....	1,404,720	2,789,100	4,193,820	Do.
Navajo.....	332,640	133,750	466,390	Do.
Pima.....	646,859	1,373,000	2,019,859	Mountainous, arid, grazing.
Pinal.....	683,085	887,400	1,570,485	Arid, grazing.
Santa Cruz.....	52,562	46,080	98,642	Mountainous, arid, grazing.
Yavapai.....	532,606	1,285,642	1,818,248	Mountainous, grazing, broken.
Yuma.....	785,034	3,721,082	4,506,116	Arid, grazing, broken.
State total.....	7,142,565	13,572,220	20,714,785	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

ARKANSAS.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Camden:				
Ashley.....	15		15	Almost all on river.
Bradley.....	47		47	Swampy.
Calhoun.....	192		192	Do.
Clark.....	40		40	Broken.
Cleveland.....	14		14	On river.
Columbia.....	167		167	Low wet land.
Drew.....	42		42	Gently rolling.
Garland.....	6,344		6,344	Mountainous.
Hempstead.....	2		2	On river.
Hot Spring.....	2,404		2,404	Mountainous.
Howard.....	2,157		2,157	Do.
La Fayette.....	44		44	Low wet land.
Little River.....	102		102	River land.
Miller.....	296		296	Low wet land.
Montgomery.....	13,112		13,112	Mountainous.
Nevada.....	40		40	In bayou bottom.
Ouachita.....	82		82	River land.
Pike.....	3,674		3,674	Mountainous.
Polk.....	9,741		9,741	Do.
Saline.....	284		284	Do.
Sevier.....	864		864	Do.
Union.....	13		13	River or creek land.
Total.....	39,676		39,676	
Harrison:				
Baxter.....	17,120		17,120	Mountainous, timbered, mineral.
Benton.....	1,080		1,080	Mountainous, timbered.
Boone.....	2,760		2,760	Mountainous, timbered, mineral.
Carroll.....	1,600		1,600	Mountainous, timbered.
Crawford.....	320		320	Do.
Franklin.....	1,000		1,000	Do.
Fulton.....	11,200		11,200	Do.
Independence.....	560		560	Do.
Izard.....	12,800		12,800	Do.
Johnson.....	440		440	Do.
Madison.....	6,240		6,240	Do.
Marion.....	9,500		9,500	Mountainous, timbered, mineral.
Newton.....	14,140		14,140	Do.
Searcy.....	8,480		8,480	Mountainous, timbered.
Stone.....	23,800		23,800	Do.
Van Buren.....	680		680	Do.
Washington.....	6,960		6,960	Do.
Total.....	118,680		118,680	
Little Rock:				
Arkansas.....	129		129	Level.
Cleburne.....	12,591		12,591	Mountainous, timbered.
Cleveland.....	35		35	Broken, timbered.
Conway.....	1,594		1,594	Mountainous, timbered.
Crawford.....	5,800		5,800	Do.
Cross.....	40		40	Swampy, timbered.
Dallas.....	40		40	Do.
Desha.....	40		40	Do.
Drew.....	80		80	Do.
Faulkner.....	560		560	Broken, timbered.
Franklin.....	3,540		3,540	Broken, mountainous, timbered.
Fulton.....	4,320		4,320	Broken, timbered.
Garland.....	2,855		2,855	Broken, mountainous, timbered.
Grant.....	80		80	Broken, timbered.
Hot Springs.....	40		40	Do.
Independence.....	4,781		4,781	Do.
Izard.....	3,920		3,920	Do.
Jackson.....	240		240	Do.
Johnson.....	11,680		11,680	Broken, mountainous, timbered.
Lawrence.....	460		460	Broken, timbered.
Lincoln.....	160		160	Swampy, timbered.
Logan.....	6,960		6,960	Broken, timbered.
Mississippi.....	77	7,000	7,077	Do.
Montgomery.....	140		140	Do.
Perry.....	790		790	Do.
Pope.....	5,640		5,640	Do.
Prairie.....	80		80	Level.
Pulaski.....	181		181	Broken, timbered.
Randolph.....	4,640		4,640	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

ARKANSAS—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Little Rock—Continued.				
Saline.....	1,190	.....	1,190	Broken, mountainous, timbered.
Scott.....	17,440	.....	17,440	Do.
Sebastian.....	2,320	.....	2,320	Do.
Sharp.....	9,960	.....	9,960	Do.
Van Buren.....	36,560	.....	36,560	Broken, timbered.
White.....	440	.....	440	Do.
Yell.....	2,840	.....	2,840	Do.
Total.....	142,243	7,000	149,243	
State total.....	300,599	7,000	307,599	

CALIFORNIA.

El Centro:				
Imperial.....	992,270	510,005	1,502,275	Level, rolling, mountainous, all desert.
Riverside.....	939,559	827,397	1,766,956	Do.
San Diego.....	347,198	60,680	407,878	Do.
Total.....	2,279,027	1,398,082	3,677,109	
Eureka:				
Del Norte.....	560	.....	560	Sea beach, mountainous.
Humboldt.....	57,460	16,851	74,311	Mountainous, timber, and grazing.
Mendocino.....	4,680	.....	4,680	Mountainous, grazing.
Siskiyou.....	2,270	.....	2,270	Forest listing, grazing, farming.
Trinity.....	21,880	.....	21,880	Mineral, grazing, farming.
Total.....	86,850	16,851	103,701	
Independence:				
Alpine.....	10,581	.....	10,581	Mountainous, grazing, and mineral.
Inyo.....	2,686,210	1,175,838	3,862,048	Mountainous, desert, grazing, and agricultural.
Kern.....	600,397	124,760	725,157	Grazing, mineral, and agricultural.
Mono.....	271,507	42,724	314,231	Mountainous, grazing, and agricultural.
San Bernardino.....	2,094,135	1,213,515	3,307,650	Mountainous, mineral, and desert.
Tulare.....	55,075	.....	55,075	Mountainous and grazing.
Total.....	5,717,905	2,556,837	8,274,742	
Los Angeles:				
Kern.....	30,066	5,393	35,459	Arid, level desert, mountainous.
Los Angeles.....	489,444	5,916	495,360	Do.
Orange.....	19,726	1,624	21,350	Mountainous, hilly.
Riverside.....	196,516	42,865	239,381	Mountainous, rolling, level desert.
San Bernardino.....	3,803,705	309,844	4,113,549	Do.
San Diego.....	94,149	2,240	96,389	Do.
Santa Barbara.....	1,180	.....	1,180	Mountainous.
Ventura.....	36,184	9,410	45,594	Do.
Total.....	4,170,970	377,292	4,548,262	
Sacramento:				
Alpine.....	12,435	300	12,735	Do.
Amador.....	12,600	.....	12,600	Hilly, grazing, mineral.
Butte.....	21,500	320	21,820	Do.
Calaveras.....	42,637	.....	42,637	Do.
Colusa.....	24,326	1,880	26,206	Hilly, grazing.
El Dorado.....	32,357	.....	32,357	Hilly, grazing, mineral.
Fresno.....	5,720	1,380	7,100	Do.
Glenn.....	11,943	.....	11,943	Do.
Lake.....	11,187	.....	11,187	Do.
Madera.....	5,853	1,400	7,253	Do.
Mariposa.....	43,493	.....	43,493	Do.
Merced.....	1,187	.....	1,187	Do.
Modoc.....	853	4,360	5,213	Do.
Napa.....	21,567	.....	21,567	Do.
Nevada.....	39,196	.....	39,196	Do.
Placer.....	17,408	.....	17,408	Do.
Plumas.....	145	.....	145	Do.
Shasta.....	167,147	2,160	169,307	Do.
Siskiyou.....	81,328	32,067	113,395	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

CALIFORNIA—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Sacramento—Continued.				
Stanislaus.....	11,273	.....	11,273	Hilly, grazing, mineral.
Sutter.....	240	.....	240	Do.
Tehama.....	61,752	2,000	63,752	Do.
Trinity.....	28,414	4,700	33,114	Mountainous, mineral.
Tuolumne.....	18,417	1,600	20,017	Hilly, grazing, mineral.
Yolo.....	24,122	.....	24,122	Do.
Yuba.....	5,950	.....	5,950	Do.
Total.....	703,050	52,167	755,217	
San Francisco:				
Alameda.....	814	1,280	2,094	Mountainous.
Colusa.....	11,566	.....	11,566	Do.
Contra Costa.....	1,300	.....	1,300	Do.
Fresno.....	39,858	3,862	43,720	Do.
Glenn.....	1,920	.....	1,920	Do.
Kern.....	16,839	640	17,479	Do.
Kings.....	928	.....	928	Do.
Lake.....	139,986	8,060	148,046	Do.
Mendocino.....	181,630	5,760	187,390	Do.
Merced.....	5,642	.....	5,642	Do.
Monterey.....	182,922	2,560	185,482	Do.
Napa.....	40,911	.....	40,911	Do.
San Benito.....	160,427	8,960	169,387	Do.
San Joaquin.....	1,060	.....	1,060	Do.
San Luis Obispo.....	170,324	2,473	172,797	Do.
Santa Barbara.....	13,738	.....	13,738	Do.
Santa Clara.....	43,319	3,660	46,979	Do.
Santa Cruz.....	206	.....	206	Do.
Solano.....	2,056	.....	2,056	Do.
Sonoma.....	38,735	4,640	43,375	Do.
Stanislaus.....	19,164	2,600	21,764	Do.
Ventura.....	2,286	.....	2,286	Do.
Yolo.....	6,400	640	7,040	Do.
Total.....	1,082,031	45,135	1,127,166	
Susanville:				
Lassen.....	1,002,520	24,521	1,027,041	Grazing, desert, timber, mineral.
Modoc.....	264,082	16,840	280,922	Do.
Plumas.....	7,948	2,591	10,539	Mountainous, timber, mineral.
Sierra.....	5,263	.....	5,263	Do.
Total.....	1,279,813	43,952	1,323,765	
Visalia:				
Fresno.....	125,095	2,814	127,909	Mountainous, grazing.
Kern.....	139,663	26,724	166,387	Do.
Kings.....	15,459	.....	15,459	Do.
Merced.....	8,361	.....	8,361	Do.
Monterey.....	1,447	.....	1,447	Do.
San Benito.....	6,325	.....	6,325	Do.
Tulare.....	38,409	65,768	104,177	Do.
Total.....	334,759	95,306	430,065	
State total.....	15,654,405	4,585,572	20,239,977	

COLORADO.

Del Norte:				
Alamosa.....	46,279	3,840	50,119	Grazing.
Chaffee.....	2,597	.....	2,597	Do.
Conejos.....	163,033	.....	163,033	Do.
Huerfano.....	5,168	3,840	9,008	Do.
Las Animas.....	.....	29,440	29,440	Do.
Rio Grande.....	63,587	.....	63,587	Do.
Saguache.....	293,508	.....	293,508	Do.
Total.....	574,172	37,120	611,292	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

COLORADO—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Denver:				
Adams.....	40		40	Agricultural, grazing.
Arapahoe.....	80		80	Do.
Boulder.....	680		680	Mountainous, mineral.
Clear Creek.....	4,800	13,440	18,240	Do.
Douglas.....	1,560		1,560	Arid, grazing, mineral.
Eagle.....	11,700		11,700	Mountainous, grazing, mineral.
Elbert.....	360		360	Agricultural, grazing.
Gilpin.....	6,440	3,840	10,280	Mountainous, grazing, mineral.
Grand.....	109,520	13,860	123,380	Mountainous, grazing.
Jackson.....	236,480		236,480	Do.
Jefferson.....	8,320		8,320	Do.
Larimer.....	43,780		43,780	Do.
Morgan.....	520		520	Agricultural, grazing.
Routt.....		7,680	7,680	Mountainous, grazing, mineral.
Summit.....	6,680	4,630	11,310	Do.
Weld.....	720		720	Agricultural, grazing.
Total.....	431,680	43,450	475,130	
Durango:				
Archuleta.....	70,689	57,416	128,105	Agriculture, timber, grazing.
Dolores.....	45,266	7,520	52,786	Mountainous, agricultural, mineral, grazing.
La Plata.....	128,607	10,160	138,767	Grazing, agricultural, mineral.
Montezuma.....	263,864	57,520	321,384	Do.
Total.....	508,426	132,616	641,042	
Glenwood Springs:				
Eagle.....	35,542	234,189	269,731	Farming, grazing, mineral.
Garfield.....	755,625	196,151	951,776	Do.
Gunnison.....	440	7,840	8,280	Do.
Mesa.....	114,860	31,480	146,340	Do.
Moffat.....	1,314,996	234,423	1,549,419	Do.
Pitkin.....	27,120	24,320	51,440	Grazing and mineral.
Rio Blanco.....	1,170,183	148,366	1,318,549	Farming and grazing.
Routt.....	124,663	121,661	246,294	Farming, grazing, mineral.
Total.....	3,543,429	998,400	4,541,829	
Hugo:				
Cheyenne.....	275		275	Prairie, farming, and grazing.
Kit Carson.....	4,475		4,475	Do.
Lincoln.....	1,093		1,093	Do.
Total.....	5,843		5,843	
Lamar:				
Baca.....	24,176		24,176	Grazing, farm, prairie, hilly.
Bent.....	24,131		24,131	Grazing, broken, hilly, prairie.
Cheyenne.....	329		329	Prairie, grazing.
Kiowa.....	633		633	Grazing, rolling, prairie.
Las Animas.....	26,440		26,440	Grazing, broken, hilly.
Lincoln.....	200		200	Grazing.
Prowers.....	6,113		6,113	Grazing, prairie, hilly.
Total.....	82,022		82,022	
Leadville:				
Chaffee.....	68,122		68,122	Grazing, agricultural, mineral, mountainous.
Fremont.....	36,164		36,164	Grazing, agricultural, mineral.
Lake.....	8,222		8,222	Grazing, mountainous, mineral.
Park.....	209,327	4,000	213,327	Grazing, agricultural, mineral.
Summit.....	465		465	Grazing, mountainous, mineral.
Teller.....	7,857		7,857	Grazing, agricultural.
Total.....	330,157	4,000	334,157	
Montrose:				
Delta.....	183,740	55,560	242,300	Mountainous, coal, grazing, farming.
Dolores.....	27,373	3,780	31,153	Mineral, grazing, arid.
Gunnison.....	451,716	89,040	540,756	Grazing, mountainous, coal, mineral, farming.
Hinsdale.....	104,010	11,200	115,210	Grazing, mountainous, mineral, timber, coal.

VACANT PUBLIC LANDS ON JULY 1, 1919.

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Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

COLORADO—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Montrose—Continued.				
Mesa.....	618,928	181,683	800,611	Coal, farming, mineral, grazing.
Montrose.....	468,564	155,123	623,687	Do.
Ouray.....	23,206		23,206	Farming, grazing, mineral, mountainous.
Saguache.....	126,300		126,300	Farming, grazing, mineral, timber.
San Miguel.....	238,387	73,100	311,487	Farming, grazing, coal, rich mineral.
Total.....	2,245,224	559,386	2,804,610	
Pueblo:				
Alamosa.....	11,320		11,320	Mountainous.
Bent.....	2,742		2,742	Agricultural, grazing.
Crowley.....	340	7,140	7,480	Do.
Custer.....	11,478		11,478	Mountainous, grazing.
El Paso.....	600	1,320	1,920	Mountainous, grazing, agricultural.
Fremont.....	333,040		333,040	Do.
Huerfano.....	53,880		53,880	Do.
Kiowa.....		680	680	Grazing, agricultural.
Las Animas.....	51,757		51,757	Mountainous, agricultural, grazing.
Lincoln.....		720	720	Grazing, agricultural.
Otero.....	10,877		10,877	Do.
Pueblo.....	3,240		3,240	Agricultural, mountainous, grazing.
Saguache.....	21,760		21,760	Mountainous.
Teller.....	23,188		23,188	Largely mineral, mountainous, grazing.
Total.....	524,222	9,860	534,082	
Sterling:				
Logan.....	480	4,280	4,760	Sandy, grazing, agricultural.
Morgan.....	999	152	1,151	Sandy, grazing.
Phillips.....	320		320	Do.
Sedgwick.....	120		120	Do.
Washington.....	1,240		1,240	Do.
Weld.....	1,008	10,937	11,945	Sandy, grazing, agricultural.
Yuma.....	1,955	480	2,435	Sandy, grazing.
Total.....	6,122	15,849	21,971	
State total.....	8,251,297	1,296,681	9,547,978	

FLORIDA.

Gainesville:				
Alachua.....	1,020		1,020	Low, pine.
Baker.....	360		360	Do.
Bay.....	4,996		4,996	Do.
Bradford.....	931		931	Do.
Brevard.....	15,240		15,240	Low, pine, swamp.
Calhoun.....	1,000		1,000	Low, pine.
Citrus.....	2,663		2,663	Do.
Clay.....	1,523		1,523	Do.
Columbia.....	634		634	Do.
De Soto.....	5,783		5,783	Do.
Escambia.....	1,282		1,282	Do.
Gadsden.....	423		423	Do.
Hamilton.....	768		768	Do.
Hernando.....	520		520	Do.
Holmes.....	237		237	Do.
Jackson.....	267		267	Do.
Jefferson.....	163		163	Do.
La Fayette.....	5,371		5,371	Low, pine, swamp.
Lake.....	16,943		16,943	Low, pine.
Lee.....	7,650		7,650	Low, pine, swamp.
Leon.....	80		80	Low, pine.
Levy.....	3,994		3,994	Do.
Liberty.....	697		697	Do.
Madison.....	725		725	Do.
Manatee.....	873		873	Do.
Marion.....	6,333		6,333	Do.
Monroe.....	1,718		1,718	Low, pine, swamp.
Nassau.....	462		462	Low, pine.
Okaloosa.....	280		280	Do.
Orange.....	1,405		1,405	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

FLORIDA—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Gainesville—Continued.				
Osceola.....	378	.....	378	Low, pine.
Pasco.....	400	.....	400	Do.
Polk.....	1,564	.....	1,564	Do.
Putnam.....	6,822	.....	6,822	Do.
St. Johns.....	1,356	.....	1,356	Do.
St. Lucie.....	605	.....	605	Do.
Santa Rosa.....	359	.....	359	Do.
Seminole.....	586	.....	586	Do.
Sumter.....	240	.....	240	Do.
Suwannee.....	494	.....	494	Do.
Taylor.....	2,560	.....	2,560	Do.
Volusia.....	8,968	.....	8,968	Do.
Wakulla.....	400	.....	400	Do.
Walton.....	6,455	.....	6,455	Do.
Washington.....	2,256	.....	2,256	Do.
State total.....	117,784	.....	117,784	

IDAHO.

Blackfoot:				
Bannock.....	88,520	16,560	105,080	Mountainous.
Bear Lake.....	28,400	22,500	50,900	Do.
Bingham.....	273,070	56,920	329,990	Dry farming.
Booneville.....	23,160	31,360	54,520	Dry farming and grazing.
Butte.....	94,200	45,000	139,200	Do.
Caribou.....	11,840	.....	11,840	Mountainous.
Clark.....	220,810	96,040	316,850	Dry farming.
Franklin.....	6,900	.....	6,900	Mountainous.
Fremont.....	62,280	.....	62,280	Dry farming.
Jefferson.....	189,740	73,680	263,420	Do.
Lemhi.....	.....	1,920	1,920	Mountainous.
Madison.....	3,240	8,960	12,200	Do.
Oneida.....	95,200	39,040	134,240	Do.
Power.....	62,900	.....	62,900	Do.
Teton.....	880	2,000	2,880	Do.
Total.....	1,161,140	393,980	1,555,120	
Boise:				
Ada.....	139,252	.....	139,252	Arid and mountainous.
Adams.....	43,240	.....	43,240	Mountainous, grazing, timber.
Boise.....	110,186	7,680	117,866	Mountainous, mineral, grazing, timber.
Canyon.....	22,990	.....	22,990	Arid and grazing.
Elmore.....	122,933	25,280	148,213	Arid, mountainous, mineral, grazing, timber.
Gem.....	40,638	7,680	48,318	Arid, mountainous, grazing, timber.
Idaho.....	28,920	136,850	165,770	Arid, mountainous, grazing, mineral, timber.
Owyhee.....	2,160,323	1,225,820	3,386,143	Do.
Fayette.....	47,190	.....	47,190	Arid, mountainous, grazing.
Valley.....	107,088	395,000	502,088	Arid, mountainous, mineral, grazing, timber.
Washington.....	140,047	7,680	147,727	Do.
Total.....	2,962,807	1,805,990	4,768,797	
Coeur d'Alene:				
Benewah.....	21,292	.....	21,292	Agricultural, grazing, and timbered.
Bonner.....	19,321	.....	19,321	Agricultural grazing, timbered, and mineral.
Boundary.....	6,625	7,040	13,665	Do.
Kootenai.....	17,596	.....	17,596	Agricultural, grazing, and timbered.
Shoshone.....	67,893	10,240	78,133	Agricultural grazing, timbered, and mineral.
Total.....	132,727	17,280	150,007	
Hailey:				
Bingham.....	.....	11,520	11,520	Lava and sagebrush plains, mountainous, grazing, sagebrush.
Blaine.....	235,230	400,000	635,230	Mountainous, grazing, sagebrush.
Butte.....	237,720	163,120	400,840	Do.

VACANT PUBLIC LANDS ON JULY 1, 1919.

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Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

IDAHO—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Hailey—Continued.				
Camas.....	99,120	18,640	117,760	Grazing, sagebrush, somewhat mountainous.
Cassia.....	228,341	27,520	255,861	Mountainous, grazing, sagebrush.
Custer.....	367,089	274,379	641,468	Do.
Elmore.....	16,953	14,720	31,673	Lava and sagebrush plains.
Gooding.....	136,711	14,720	151,431	Mountainous, grazing, sagebrush.
Lemhi.....	400,829	197,320	598,149	Lava and sagebrush plains.
Lincoln.....	187,731	142,720	330,451	Do.
Minidoka.....	60,500	103,200	163,700	Grazing and sagebrush plains.
Owyhee.....	145,814	77,862	223,676	Lava and sagebrush plains.
Power.....	38,305	80,640	118,945	Grazing and sagebrush plains.
Twin Falls.....	227,995	55,682	283,677	Mountainous, grazing, sagebrush.
Valley.....	17,679	143,454	161,133	Grazing and sagebrush plains.
Total.....	2,400,017	1,725,497	4,125,514	
Lewiston:				
Clearwater.....	26,567		26,567	Mountainous.
Idaho.....	38,873		38,873	Mountainous, grazing.
Latah.....	1,057		1,057	Mountainous.
Lewis.....	5,670		5,670	Mountainous, grazing.
Nez Perce.....	14,673		14,673	Do.
Shoshone.....	2,330		2,330	Mountainous.
Total.....	89,170		89,170	
State total.....	6,745,851	3,942,747	10,688,608	

LOUISIANA.

Baton Rouge:				
Acadia.....	6		6	Prairie.
Allen.....	122		122	Pine woods.
Ascension.....	59		59	Swampy.
Avoyelles.....	657		657	Prairie, pine woods.
Beauregard.....	80		80	Pine woods.
Bienville.....	387		387	High, pine woods.
Bossier.....	1,241		1,241	Do.
Caldo.....	289		289	Do.
Calcasieu.....	1,743		1,743	Prairie, pine woods.
Caldwell.....	3,814		3,814	High, pine woods.
Cameron.....	258		258	Prairie, marsh.
Catahoula.....	4,051		4,051	High, pine woods.
Claiborne.....	441		441	Pine woods.
Concordia.....	97		97	Alluvial.
De Soto.....	120		120	High, pine woods.
East Baton Rouge.....	20		20	Pine.
East Carroll.....	456		456	Low, pine woods.
East Feliciana.....	43		43	Pine woods.
Evangeline.....	40		40	Prairie, pine.
Franklin.....	50		50	Pine woods, hilly.
Grant.....	153		153	Do.
Iberia.....	961		961	Prairie, marsh.
Jackson.....	140		140	Pine woods, hilly.
Lafourche.....	289		289	Agricultural.
La Salle.....	215		215	Pine woods.
Lincoln.....	320		320	Agricultural.
Livingston.....	67		67	Hardwoods.
Madison.....	20		20	Low, pine woods.
Morehouse.....	205		205	Pine woods.
Natchitoches.....	391		391	Do.
Ouachita.....	679		679	Do.
Plaquemines.....	1,729		1,729	Prairie, marsh.
Pointe Coupee.....	323		323	Ordinary farming, swamp.
Rapides.....	226		226	Pine woods, agricultural.
Red River.....	10		10	Do.
Richland.....	308		308	Do.
Sabine.....	392		392	Do.
St. Charles.....	10		10	Do.
St. Helena.....	31		31	Pine woods.
St. James.....	243		243	Farming, swampy.
St. John.....	2,353		2,353	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

LOUISIANA—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Baton Rouge—Continued.				
St. Landry.....	112		112	Prairie, pine woods.
St. Martin.....	720		720	Prairie, swampy.
St. Mary.....	640		640	Do.
St. Tammany.....	502		502	Pine woods.
Tangipahoa.....	38		38	Pine woods, swampy.
Tensas.....	18		18	Alluvial.
Terrebonne.....	3,101		3,101	Low, swampy.
Union.....	756		756	Pine woods, farming.
Vermilion.....	40		40	Prairie.
Vernon.....	322		322	Pine woods.
Washington.....	246		246	Pine woods, farming.
Webster.....	210		210	Pine woods.
West Feliciana.....	265		265	Pine woods, farming.
Winn.....	120		120	Do.
State total.....	30,129		30,129	

KANSAS.

Topeka:				
Barber.....	188		188	Broken, sandy.
Cheyenne.....	240		240	Rough and broken.
Clark.....	548		548	Broken, sandy.
Comanche.....	200		200	Do.
Edwards.....	131		131	Do.
Ellis.....	120		120	Rough and broken.
Gove.....	200		200	Do.
Greeley.....	132		132	Agricultural.
Hamilton.....	712		712	Broken, sandy.
Kearney.....	130		130	Do.
Kiowa.....	40		40	Do.
Lane.....	360		360	Grazing, broken.
Logan.....	40		40	Rough and broken.
Meade.....	136		136	Broken, sandy.
Morton.....	400		400	Do.
Osborne.....	40		40	Rough and broken.
Rollins.....	200		200	Do.
Scott.....	320		320	Grazing, broken.
Seward.....	320		320	Broken, sandy.
Sherman.....	42		42	Rough and broken.
Stafford.....	41		41	Swampy.
Stanton.....	40		40	Grazing, broken.
Stevens.....	256		256	Broken, sandy.
Trego.....	40		40	Rough and broken.
Wichita.....	80		80	Grazing, broken.
State total.....	4,956		4,956	

MICHIGAN.

Marquette:				
Alcona.....	633		633	Light soil.
Alger.....	1,933		1,933	Fair farming.
Alpena.....	160		160	Do.
Antrim.....	160		160	Do.
Baraga.....	3,690		3,690	Do.
Benzie.....	249		249	Do.
Charlevoix.....	1,213		1,213	Do.
Cheboygan.....	783		783	Do.
Chippewa.....	9,512		9,512	Timbered.
Clare.....	666		666	Fair farming.
Crawford.....	760		760	Do.
Delta.....	5,223		5,223	Do.
Dickinson.....	800		800	Do.
Emmitt.....	164		164	Do.
Gladwin.....	80		80	Do.
Grand Traverse.....	462		462	Do.
Houghton.....	80		80	Do.
Iosco.....	500		500	Light soil.
Iron.....	596		596	Fair farming.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

MICHIGAN—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Marquette—Continued.				
Jackson.....	80	.....	80	Wet.
Kalkaska.....	1,039	.....	1,039	Light soil.
Keweenaw.....	11,366	.....	11,366	Do.
Lake.....	160	.....	160	Very light soil.
Leelanau.....	1,746	.....	1,746	Fair farming.
Luce.....	3,249	.....	3,249	Fair farming, some timber.
Mackinac.....	1,843	.....	1,843	Fair farming.
Marquette.....	6,892	.....	6,892	Timbered, farming.
Mason.....	30	.....	30	Fair farming.
Mecosta.....	80	.....	80	Do.
Menominee.....	760	.....	760	Do.
Missaukee.....	280	.....	280	Do.
Montmorency.....	1,844	.....	1,844	Do.
Muskegon.....	120	.....	120	Do.
Oakland.....	40	.....	40	Wet.
Oceana.....	704	.....	704	Very sandy.
Ogemaw.....	220	.....	220	Sandy, light soil.
Ontonagon.....	340	.....	340	Timbered, farming.
Oscoda.....	1,845	.....	1,845	Light soil.
Otsego.....	596	.....	596	Fair farming.
Presque Isle.....	1,280	.....	1,280	Do.
Roscommon.....	320	.....	320	Do.
Schoolcraft.....	10,608	.....	10,608	Do.
State total.....	73,106	.....	73,106	

MINNESOTA.

Cass Lake:				
Beltrami.....	1,200	.....	1,200	Swampy.
Cass.....	1,380	.....	1,380	Do.
Hubbard.....	80	.....	80	Do.
Itasca.....	1,400	.....	1,400	Timbered, agricultural.
Koochiching.....	67,340	.....	67,340	Timbered, agricultural, swampy.
Total.....	71,400	.....	71,400	
Crookston:				
Beltrami.....	108,376	.....	108,376	Swamp, some timber.
Clearwater.....	840	.....	840	Swamp, cut-over land.
Roseau.....	10,887	.....	10,887	Swamp, some timber.
Total.....	120,103	.....	120,103	
Duluth:				
Aitkin.....	440	.....	440	Low, wet.
Carlton.....	160	.....	160	Swamp.
Cass.....	440	.....	440	Low, wet, sandy.
Cook.....	8,600	.....	8,600	Broken, rough, swamp.
Crow Wing.....	39	.....	39	Fractional lots.
Hubbard.....	61	.....	61	Broken, rough, swamp.
Itasca.....	600	.....	600	Broken, rough.
Koochiching.....	19,720	.....	19,720	Swamp, agricultural.
Lake.....	4,440	.....	4,440	Rocky, broken, swamp.
Morrison.....	104	.....	104	Lowlands.
Pine.....	200	.....	200	Sandy low lands.
Pre.....	40	.....	40	Swamp.
St. Louis.....	13,800	.....	13,800	Broken, rough, swamp, agricultural.
Wabasha.....	40	.....	40	Swamp.
Wadena.....	127	.....	127	Sandy.
Total.....	48,811	.....	48,811	
State total.....	240,314	.....	240,314	

MISSISSIPPI.

Jackson:				
Adams.....	1,200	.....	1,200	Agricultural, timbered.
Amite.....	400	.....	400	Do.
Attala.....	1,540	.....	1,540	Do.
Calhoun.....	40	.....	40	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

MISSISSIPPI—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Jackson—Continued.				
Carroll.....	360		360	Agricultural, timbered.
Choctaw.....	240		240	Do.
Claiborne.....	1,806		1,806	Do.
Clarke.....	480		480	Do.
Copiah.....	680		680	Do.
Covington.....	120		120	Do.
Forrest.....	380		380	Pine woods, farming.
Franklin.....	957		957	Agricultural, timbered.
George.....	1,344		1,344	Pine belt, grazing.
Greene.....	3,640		3,640	Agricultural, timbered.
Grenada.....	1,400		1,400	Do.
Hancock.....	1,180		1,180	Do.
Harrison.....	200		200	Do.
Hinds.....	685		685	Do.
Holmes.....	100		100	Do.
Issaquena.....	70		70	Do.
Jackson.....	4,217		4,217	Do.
Jasper.....	800		800	Do.
Jefferson.....	1,900		1,900	Farming, some broken.
Jones.....	960		960	Agricultural, timbered.
Kemper.....	400		400	Do.
Lamar.....	80		80	Pine woods, farming.
Lauderdale.....	1,000		1,000	Pine belt, grazing.
Lawrence.....	240		240	Farming, timber, grazing.
Leake.....	480		480	Agricultural, timbered.
Lincoln.....	400		400	Farming, timber.
Louises.....	280		280	Farming.
Madison.....	80		80	Agricultural, timbered.
Marion.....	268		268	Level farming, grazing.
Monroe.....	1,154		1,154	Agricultural, timbered.
Montgomery.....	1,000		1,000	Do.
Neshoba.....	40		40	Do.
Newton.....	40		40	Do.
Noxubee.....	200		200	Do.
Oktibbeha.....	40		40	Farming.
Panola.....	80		80	Level farming.
Pearl River.....	500		500	Pine woods, farming.
Perry.....	1,080		1,080	Agricultural, timbered.
Pike.....	40		40	Do.
Quitman.....	40		40	Do.
Rankin.....	240		240	Do.
Scott.....	40		40	Do.
Simpson.....	160		160	Do.
Smith.....	200		200	Generally level, farming.
Stone.....	120		120	Agricultural.
Sunflower.....	12		12	Agricultural, timbered.
Tallahatchie.....	40		40	Level, farming.
Warren.....	760		760	Agricultural, timbered.
Wayne.....	2,600		2,600	Do.
Webster.....	1,200		1,200	Do.
Wilkinson.....	1,480		1,480	Do.
Winston.....	240		240	Do.
Yalobusha.....	680		680	Swampy, farming.
Yazoo.....	20		20	Agricultural, timbered.
State total.....	39,933		39,933	

MISSOURI.

Springfield:				
Barry.....	21	.....	21	Rough and hilly.
Carter.....	9	.....	9	Do.
Pemiscot.....	40	.....	40	Swamp land.
Shannon.....	8	.....	8	Rough and hilly.
State total.....	78	.....	78	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

MONTANA.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Billings:				
Big Horn.....	6,909	15,360	22,269	Mountainous grazing.
Carbon.....	68,585	149,366	217,951	Do.
Musselshell.....	3,725	.....	3,725	Do.
Rosebud.....	951	.....	951	Do.
Stillwater.....	891	.....	891	Do.
Yellowstone.....	11,074	.....	11,074	Do.
Total.....	92,135	164,726	256,861	
Bozeman:				
Beaverhead.....	21,306	47,520	68,826	Grazing and mountainous.
Broadwater.....	11,360	.....	11,360	Do.
Carbon.....	7,632	.....	7,632	Do.
Gallatin.....	18,844	.....	18,844	Do.
Jefferson.....	8,786	8,723	17,509	Do.
Madison.....	74,187	31,607	105,794	Do.
Park.....	31,990	4,220	36,210	Do.
Stillwater.....	31,648	.....	31,648	Do.
Sweet Grass.....	62,549	1,440	63,989	Do.
Total.....	268,302	93,510	361,812	
Glasgow:				
Garfield.....	39,200	21,760	60,960	Grazing or dry farming.
McCone.....	54,880	.....	54,880	Do.
Phillips.....	275,880	184,960	460,840	Do.
Richland.....	6,126	.....	6,126	Do.
Roosevelt.....	63,252	.....	63,252	Do.
Sheridan.....	40,334	.....	40,334	Do.
Valley.....	392,090	304,640	696,730	Do.
Total.....	871,762	511,360	1,383,122	
Great Falls:				
Cascade.....	21,002	1,440	22,442	Grazing, agricultural.
Chouteau.....	21,585	.....	21,585	Do.
Fergus.....	1,360	.....	1,360	Do.
Glacier.....	1,069	.....	1,069	Do.
Hill.....	2,720	.....	2,720	Do.
Lewis and Clark.....	4,040	.....	4,040	Grazing, agricultural, mountainous.
Pondera.....	2,675	.....	2,675	Do.
Teton.....	12,615	22,480	35,095	Do.
Toole.....	12,620	.....	12,620	Do.
Total.....	79,686	23,920	103,606	
Hayre:				
Blaine.....	55,825	300,742	356,567	Mountainous, agricultural, grazing.
Chouteau.....	15,200	63,153	78,353	Do.
Hill.....	55,804	.....	55,804	Do.
Phillips.....	102,194	402,466	504,660	Do.
Toole.....	6,431	4,160	10,591	Do.
Total.....	235,454	770,521	1,005,975	
Helena:				
Beaverhead.....	287,820	267,900	555,720	Grazing.
Broadwater.....	22,200	.....	22,200	Do.
Cascade.....	1,520	.....	1,520	Do.
Deer Lodge.....	6,280	.....	6,280	Do.
Jefferson.....	47,520	12,000	59,520	Do.
Lewis and Clark.....	63,340	180,000	243,340	Do.
Madison.....	105,760	45,750	151,510	Do.
Meagher.....	11,380	11,500	22,880	Do.
Powell.....	68,970	45,000	113,970	Do.
Silver Bow.....	25,240	4,800	30,040	Do.
Total.....	630,030	566,950	1,196,980	
Kalispell:				
Flathead.....	67,500	.....	67,500	Mountainous, timber.
Lincoln.....	2,300	.....	2,300	Agricultural, grazing.
Sanders.....	34,600	.....	34,600	Mountainous, timber.
Teton.....	400	.....	400	Grazing.
Total.....	104,800	.....	104,800	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

MONTANA—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Lewistown:				
Chouteau.....	7,360		7,360	Broken, grazing.
Dawson.....	167,080		167,080	Farming and grazing.
Fergus.....	272,920	27,120	300,040	Do.
Musselshell.....	8,460	19,200	27,660	Rough, grazing.
Rosebud.....	4,280		4,280	Do.
Sweet Grass.....	600		600	Do.
Wheatland.....	2,160		2,160	Do.
Total.....	462,860	46,320	509,180	
Miles City:				
Big Horn.....	57,492	15,700	73,192	Grazing, agricultural.
Carter.....	294,557	299,520	594,077	Do.
Custer.....	130,344		130,344	Do.
Dawson.....	26,284		26,284	Do.
Fallon.....	18,334		18,334	Do.
Garfield.....	301,020	138,240	439,260	Do.
McCone.....	23,800	67,200	91,000	Do.
Powder River.....	221,923		221,923	Do.
Prairie.....	30,508		30,508	Do.
Richland.....	3,720		3,720	Do.
Rosebud.....	156,857	52,900	209,757	Do.
Treasure.....	1,800		1,800	Do.
Wibaux.....	12,040		12,040	Do.
Total.....	1,278,679	573,560	1,852,239	
Missoula:				
Beaverhead.....	39,191	9,000	48,191	Arid, grazing.
Granite.....	22,133	93,180	115,313	Mountainous, timber, mineral.
Mineral.....	57,697		57,697	Do.
Missoula.....	13,261	37,636	50,897	Do.
Powell.....	19,947	25,880	45,827	Do.
Ravalli.....	2,223	388	2,611	Mountainous, timber, grazing.
Sanders.....	4,483	34,000	38,483	Mountainous, timber, mineral.
Total.....	158,935	200,084	359,019	
State total.....	4,182,643	2,950,951	7,133,594	

NEBRASKA.

Alliance:				
Arthur.....	120		120	Sand hill, grazing.
Banner.....	1,200		1,200	Prairie, table land.
Dawes.....	750		750	Rough, grazing.
Garden.....	1,840		1,840	Sand hill, grazing.
Grant.....	100		100	Do.
Morrill.....	7,680		7,680	Do.
Scottsbluff.....	14,860		14,860	Mountainous, agricultural.
Sheridan.....	4,095		4,095	Sand hill, grazing.
Sioux.....	6,360		6,360	Broken, grazing.
Total.....	37,005		37,005	
Broken Bow:				
Arthur.....	1,470		1,470	Sandy, grazing, small valleys.
Banner.....	80		80	Do.
Blaine.....	1,929		1,929	Do.
Brown.....	2,789		2,789	Do.
Cherry.....	23,820		23,820	Do.
Cheyenne.....	40		40	Do.
Custer.....	80		80	Do.
Garden.....	760		760	Do.
Grant.....	2,611		2,611	Do.
Hooker.....	6,628		6,628	Do.
Keith.....	120		120	Do.
Keya Paha.....	480		480	Do.
Kimball.....	200		200	Do.
Lincoln.....	1,070		1,070	Do.
Logan.....	320		320	Do.
McPherson.....	2,594		2,594	Do.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

NEBRASKA—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Broken Bow—Continued.				
Morrill.....	480	.....	480	Sandy, grazing, small valleys.
Perkins.....	40	.....	40	Do.
Rock.....	720	.....	720	Do.
Thomas.....	3,993	.....	3,993	Do.
Total.....	50,224	.....	50,224	
Lincoln:				
Boone.....	160	.....	160	Rough, sandy.
Boyd.....	608	.....	608	Rough, overflowed bottom.
Brown.....	160	.....	160	Rough, sandy.
Burt.....	242	.....	242	Overflowed bottom.
Chase.....	199	.....	199	Broken, sandy, grazing.
Dundy.....	240	.....	240	Do.
Frontier.....	120	.....	120	Do.
Garfield.....	501	.....	501	Rough, sandy.
Hayes.....	719	.....	719	Broken, grazing.
Hitchcock.....	482	.....	482	Broken, sandy, grazing.
Holt.....	437	.....	437	Rough, sandy.
Knox.....	253	.....	253	Overflowed bottom.
Loup.....	775	.....	775	Rough, sandy.
Red Willow.....	333	.....	333	Broken, grazing.
Rock.....	160	.....	160	Rough, sandy.
Sarpy.....	18	.....	18	Overflowed bottom.
Washington.....	99	.....	99	Do.
Webster.....	11	.....	11	Do.
Wheeler.....	80	.....	80	Rough, sandy.
Total.....	5,597	.....	5,597	
State total.....	92,826	.....	92,826	

NEVADA.

Carson City:				
Churchill.....	1,333,010	1,288,007	2,621,017	Mountainous, arid, grazing, little timber.
Clark.....	3,382,191	1,274,888	4,657,079	Do.
Douglass.....	184,124	4,402	188,526	Do.
Esmeralda.....	1,079,896	906,528	1,986,424	Do.
Eureka.....	18,201	40,071	58,272	Mountainous, arid, grazing.
Humboldt.....	2,599,459	3,707,797	6,307,256	Do.
Lander.....	103,456	26,793	130,249	Do.
Lincoln.....	2,112,859	3,935,444	6,048,303	Do.
Lyon.....	334,307	208,051	542,358	Do.
Mineral.....	1,225,534	648,308	1,873,842	Mountainous, arid, little timber.
Nye.....	3,386,335	5,481,048	8,867,383	Mountainous, arid, grazing, little timber.
Ormsby.....	24,225	19,980	44,205	Mountainous, arid, grazing, second growth timber.
Storey.....	97,910	1,272	99,182	Mountainous, arid, grazing.
Washoe.....	2,312,959	576,986	2,889,945	Mountainous, arid, grazing, second growth timber.
White Pine.....	.....	19,300	19,300	Mountainous, arid, grazing, little timber.
Total.....	18,194,466	18,138,875	36,333,341	
Elko:				
Churchill.....	127,430	7,000	134,430	Do.
Elko.....	6,347,864	673,577	7,021,441	Do.
Eureka.....	1,044,217	1,081,001	2,125,218	Mountainous, arid, grazing, no timber.
Humboldt.....	1,396,736	199,426	1,596,162	Do.
Lander.....	902,436	1,088,953	1,991,439	Do.
Lincoln.....	653,782	101,184	754,966	Mountainous, arid, grazing, little timber.
Nye.....	427,309	147,108	574,412	Mountainous, arid, grazing, no timber.
White Pine.....	2,877,270	1,709,261	4,586,531	Do.
Total.....	13,777,094	5,007,505	18,784,596	
State total.....	31,971,560	23,146,380	55,117,940	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

NEW MEXICO.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Clayton:				
Colfax.....	16,780	.....	16,780	Arid, broken, grazing.
Mora.....	7,640	.....	7,640	Grazing.
Quay.....	2,560	.....	2,560	Do.
San Miguel.....	11,640	.....	11,640	Grazing, broken.
Union.....	149,360	.....	149,360	Do.
Total.....	187,980	.....	187,980	
Fort Sumner:				
Chaves.....	218,240	.....	218,240	Broken, grazing.
Curry.....	6,040	.....	6,040	Grazing.
De Baca.....	236,480	.....	236,480	Do.
Guadalupe.....	131,530	.....	131,530	Do.
Lincoln.....	362,440	.....	362,440	Do.
Roosevelt.....	18,940	.....	18,940	Broken, grazing.
Total.....	973,670	.....	973,670	
Las Cruces:				
Dona Ana.....	1,419,534	224,492	1,644,026	Grazing, mountainous.
Grant.....	425,822	575,387	1,001,209	Do.
Lincoln.....	158,370	23,000	181,370	Do.
Luna.....	821,618	137,313	958,931	Do.
Otero.....	1,183,289	296,143	1,479,432	Do.
Sierra.....	1,150,000	233,011	1,383,011	Do.
Socorro.....	1,842,456	1,031,226	2,873,682	Do.
Total.....	7,001,089	2,520,572	9,521,661	
Roswell:				
Chaves.....	742,940	304,200	1,047,140	Grazing, rolling prairie.
Eddy.....	684,960	502,060	1,187,020	Mostly prairie, timber in mountains.
Lea.....	250,960	70,240	321,200	Grazing, rolling prairie.
Lincoln.....	336,990	184,200	521,190	Grazing, timber in mountains.
Otero.....	100,800	641,080	741,880	Grazing.
Roosevelt.....	17,960	.....	17,960	Do.
Socorro.....	3,280	81,960	85,240	Undulating prairie.
Torrance.....	24,460	.....	24,460	Prairie, grazing.
Total.....	2,162,350	1,783,740	3,946,090	
Santa Fe:				
Bernalillo.....	51,580	19,591	71,171	Timber, grazing, agricultural.
Colfax.....	1,506	.....	1,506	Mountainous, grazing, coal.
Guadalupe.....	65,113	2,343	67,456	Grazing, agricultural.
McKinley.....	305,912	114,000	419,912	Mountainous, timber, grazing, coal.
Mora.....	9,555	.....	9,555	Mountainous, grazing, agricultural, coal.
Rio Arriba.....	596,600	14,865	611,465	Do.
Sandoval.....	442,893	69,120	512,013	Do.
San Juan.....	729,225	11,029	740,254	Grazing, agricultural, coal.
San Miguel.....	75,703	.....	75,703	Timber, grazing, agricultural.
Santa Fe.....	18,200	20,693	38,893	Mountainous, grazing, coal.
Socorro.....	472,055	17,940	489,995	Do.
Taos.....	129,400	124,700	254,100	Mountainous, grazing, timber, agricultural.
Torrance.....	55,435	31,859	87,294	Timber, grazing, saline, agricultural.
Valencia.....	694,049	8,083	702,132	Do.
Total.....	3,647,226	434,223	4,081,449	
Tucumcari:				
Curry.....	620	.....	620	Grazing, agricultural, some broken.
Guadalupe.....	4,960	.....	4,960	Broken, grazing, some agricultural.
Quay.....	36,295	5,300	41,595	Grazing, agricultural, some broken.
San Miguel.....	2,780	.....	2,780	Broken, grazing, some agricultural.
Union.....	16,178	8,740	24,918	Rolling, grazing, some agricultural.
Total.....	60,833	14,040	74,873	
State total.....	14,033,148	4,752,575	18,785,723	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

NORTH DAKOTA.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Bismarck:				
Burleigh.....	274	.....	274	Agricultural and grazing.
Emmons.....	133	.....	133	Do.
Logan.....	610	.....	610	Do.
McLean.....	448	.....	448	Do.
Mercer.....	524	.....	524	Do.
Sioux.....	2,656	.....	2,656	Do.
Total.....	4,645	.....	4,645	
Dickinson:				
Billings.....	9,118	.....	9,118	Rough, grazing.
Bowman.....	15,946	.....	15,946	Do.
Dunn.....	8,693	.....	8,693	Do.
Golden Valley.....	1,468	.....	1,468	Do.
McKenzie.....	12,359	.....	12,359	Do.
Slope.....	1,809	.....	1,809	Do.
Total.....	49,393	.....	49,393	
Minot:				
Benson.....	84	.....	84	Grazing.
Bottineau.....	103	.....	103	Do.
Burke.....	204	.....	204	Do.
Cavalier.....	119	.....	119	Do.
McHenry.....	637	.....	637	Do.
McLean.....	261	.....	261	Do.
Mountrail.....	4,469	.....	4,469	Do.
Pierce.....	364	.....	364	Do.
Renville.....	238	.....	238	Do.
Sheridan.....	40	.....	40	Do.
Ward.....	741	.....	741	Do.
Total.....	7,260	.....	7,260	
Williston:				
Divide.....	1,706	.....	1,706	Broken, grazing.
McKenzie.....	19,065	.....	19,065	Broken, grazing, and farming.
Mountrail.....	1,764	.....	1,764	Broken, grazing.
Williams.....	6,714	.....	6,714	Broken, grazing, and farming.
Total.....	29,249	.....	29,249	
State total.....	90,547	.....	90,547	

OKLAHOMA.

Guthrie:				
Alfalfa.....	40	.....	40	Grazing.
Beaver.....	310	.....	310	Do.
Beckham.....	370	.....	370	Rough, grazing.
Blaine.....	139	.....	139	Grazing.
Canadian.....	397	.....	397	Sandy, grazing.
Cimarron.....	4,520	.....	4,520	Grazing.
Cleveland.....	583	.....	583	Sandy, grazing.
Custer.....	559	.....	559	Grazing.
Dewey.....	3,170	.....	3,170	Do.
Ellis.....	2,620	.....	2,620	Sandy, grazing.
Grant.....	5	.....	5	Rough, grazing.
Greer.....	240	.....	240	Do.
Harmon.....	366	.....	366	Do.
Harper.....	301	.....	301	Grazing.
Jackson.....	483	.....	483	Sandy, grazing.
Kingfisher.....	29	.....	29	Do.
Major.....	1,794	.....	1,794	Rough, grazing.
Pottawatomie.....	121	.....	121	Sandy, grazing.
Roger Mills.....	2,433	.....	2,433	Rough, grazing.
Texas.....	1,205	.....	1,205	Grazing.
Woods.....	1,052	.....	1,052	Rough, grazing.
Woodward.....	257	.....	257	Grazing.
State total.....	20,994	.....	20,994	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

OREGON.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Burns:				
Crook.....	56,163	.....	56,163	Grazing, timber, and farming.
Grant.....	99,916	480	100,396	Do.
Harney.....	3,386,094	35,791	3,421,885	Do.
Wheeler.....	5,840	.....	5,840	Do.
Total.....	3,548,013	36,271	3,584,284	
La Grande:				
Baker.....	148,230	586	148,846	Timbered, mountainous, grazing, mineral, and farming.
Grant.....	50,180	.....	50,180	Timbered, farming, grazing, and mineral.
Morrow.....	9,760	.....	9,760	Timbered, farming, and grazing.
Umatilla.....	27,740	291	28,031	Timbered, farming, grazing, and arid.
Union.....	8,140	.....	8,140	Timbered, farming, and grazing.
Wallowa.....	30,720	.....	30,720	Mountainous, farming, and grazing.
Total.....	274,800	877	275,677	
Lakeview:				
Deschutes and Crook...	413,055	.....	413,055	Agricultural, mountainous, and grazing.
Klamath.....	1,011,548	95,232	1,106,780	Agricultural, timber, and grazing.
Lake.....	2,571,487	134,262	2,705,749	Agricultural, mountainous, timber, and grazing.
Total.....	3,996,090	229,494	4,225,584	
Portland:				
Benton.....	9,940	.....	9,940	Broken, grazing, agricultural.
Clackamas.....	31,597	.....	31,597	Hilly, broken, grazing, agricultural.
Clatsop.....	1,152	.....	1,152	Do.
Columbia.....	1,254	.....	1,254	Hilly, grazing, agricultural.
Lincoln.....	23,312	.....	23,312	Do.
Linn.....	10,867	.....	10,867	Do.
Marion.....	8,882	.....	8,882	Do.
Multnomah.....	1,353	.....	1,353	Do.
Polk.....	3,930	.....	3,930	Do.
Tillamook.....	38,993	.....	38,993	Do.
Washington.....	2,881	.....	2,881	Do.
Yamhill.....	11,022	.....	11,022	Do.
Total.....	145,183	.....	145,183	
Roseburg:				
Benton.....	2,838	.....	2,838	Timber, grazing.
Coos.....	17,761	.....	17,761	Do.
Curry.....	36,687	2,100	38,787	Mountainous, timber, grazing.
Douglas.....	36,472	4,960	41,432	Mineral, grazing, timber.
Jackson.....	265,924	.....	265,924	Timber, grazing, fruit.
Josephine.....	115,860	6,320	122,180	Timber, grazing, mineral, fruit.
Klamath.....	3,280	.....	3,280	Timber.
Lane.....	30,865	.....	30,865	Timber, grazing, mineral.
Lincoln.....	1,155	.....	1,155	Broken, grazing.
Linn.....	316	.....	316	Hilly, grazing.
Total.....	511,158	13,380	524,538	
The Dalles:				
Crook.....	193,388	1,260	194,648	Grazing, broken, hilly, and mountainous.
Deschutes.....	123,233	.....	123,233	Do.
Gilliam.....	1,160	1,760	2,920	Do.
Grant.....	26,108	.....	26,108	Do.
Hood River.....	67	.....	67	Do.
Jefferson.....	18,621	5,120	23,741	Do.
Morrow.....	814	.....	814	Do.
Sherman.....	15,199	640	15,839	Do.
Wasco.....	14,780	.....	14,780	Do.
Wheeler.....	12,240	.....	12,240	Do.
Total.....	405,610	8,780	414,390	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

OREGON—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Vale:				
Baker.....	98,878	.....	98,878	Grazing, dry farming, timber.
Grant.....	11,489	.....	11,489	Mountainous, timber.
Harney.....	417,675	.....	417,675	Grazing, dry farming.
Malheur.....	4,003,373	460,030	4,463,403	Grazing, dry farming, some timber.
Total.....	4,531,415	460,030	4,991,445	
State total.....	13,412,269	748,832	14,161,101	

SOUTH DAKOTA.

Belle Fourche:				
Butte.....	95,400	.....	95,400	Rolling, prairie, grazing.
Harding.....	24,680	.....	24,680	Do.
Meade.....	6,520	.....	6,520	Broken, grazing.
Total.....	126,600	.....	126,600	
Gregory:				
Bennett.....	14,980	.....	14,980	Grazing; sand hill.
Gregory.....	219	.....	219	Very rough; grazing.
Mellette.....	2,530	.....	2,530	Rough and rolling, grazing.
Total.....	17,729	.....	17,729	
Lemmon:				
Corson.....	140	.....	140	River bottom.
Harding.....	38,000	.....	38,000	Rough and mountainous; stony.
Perkins.....	12,800	.....	12,800	Do.
Total.....	50,940	.....	50,940	
Pierre:				
Brule.....	440	.....	440	Rough, hilly, grazing.
Campbell.....	602	.....	602	Do.
Charles Mix.....	246	.....	246	Low and wet.
Clark.....	80	.....	80	Do.
Clay.....	284	.....	284	Low, wet, sand bar.
Coddington.....	1	.....	1	Low and wet; on lake.
Day.....	24	.....	24	Low and wet; small tracts.
Edmunds.....	240	.....	240	Low, wet, lake bed.
Haakon.....	5,720	.....	5,720	Rough, hilly, grazing.
Hughes.....	228	.....	228	Do.
Jackson.....	22,205	.....	22,205	Do.
Kingsbury.....	1	.....	1	Low and wet, on lake.
Potter.....	120	.....	120	Rough, hilly, grazing.
Spink.....	360	.....	360	Low, wet, lake bed.
Stanley.....	9,892	.....	9,892	Rough, hilly, grazing.
Sully.....	795	.....	795	Do.
Walworth.....	386	.....	386	Do.
Total.....	41,624	.....	41,624	
Rapid City:				
Custer.....	13,940	10,781	24,721	Mountainous, timbered, mineral, and grazing land.
Fall River.....	22,810	.....	22,810	Prairie, broken, grazing land.
Lawrence.....	960	18,618	19,578	Mountainous, timbered, mineral, and grazing land.
Meade.....	15,628	.....	15,628	Prairie, broken, grazing land.
Pennington.....	89,108	.....	89,108	Part mountainous, timbered, mineral; part prairie, broken, grazing land.
Total.....	142,446	29,399	171,845	
Timber Lake:				
Corson.....	24,031	.....	24,031	Grazing, broken, hilly.
Dewey.....	40,092	.....	40,092	Do.
Ziebach.....	88,348	.....	88,348	Do.
Total.....	152,471	.....	152,471	
State total.....	531,810	29,399	561,209	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

UTAH.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Salt Lake City:				
Beaver.....	570,899	696,032	1,266,931	Generally arid; agricultural, mineral, grazing, and mountainous.
Box Elder.....	1,319,349	549,982	1,869,331	Do.
Cache.....	7,411	227,537	234,948	Do.
Carbon.....	569,559	22,578	592,137	Do.
Davis.....	28,362	.....	28,362	Do.
Duchesne.....	107,036	74,880	181,916	Do.
Emery.....	740,288	593,286	1,333,574	Do.
Garfield.....	603,320	1,842,424	2,447,744	Do.
Grand.....	820,203	1,077,300	1,897,503	Do.
Iron.....	1,022,488	25,175	1,047,663	Do.
Juab.....	793,422	995,201	1,788,623	Do.
Kane.....	585,206	1,724,663	2,309,869	Do.
Millard.....	1,172,720	2,106,847	3,279,567	Do.
Morgan.....	7,757	12,246	20,003	Do.
Piute.....	107,991	78,795	186,786	Do.
Rich.....	247,999	.....	247,999	Do.
Salt Lake.....	2,422	29,318	31,740	Do.
San Juan.....	1,033,166	2,790,010	3,823,176	Do.
San Pete.....	363,246	15,397	378,643	Do.
Sevier.....	416,130	39,369	455,499	Do.
Summit.....	60,456	7,557	68,013	Do.
Tooele.....	1,513,509	1,955,361	3,468,870	Do.
Utah.....	38,278	359,032	397,310	Do.
Wasatch.....	21,237	1,250	22,487	Do.
Washington.....	663,064	49,435	712,499	Do.
Wayne.....	342,991	1,078,076	1,421,067	Do.
Weber.....	64,515	.....	64,515	Do.
Total.....	13,225,024	16,351,751	29,576,775	
Vernal:				
Duchesne.....	102,159	.....	102,159	Agricultural, grazing.
Uintah.....	857,115	749,470	1,606,585	Arid, mountainous, mineral agricultural.
Wasatch.....	32,728	3,740	36,468	Do.
Total.....	992,002	753,210	1,745,212	
State total.....	14,217,026	17,104,961	31,321,987	

WASHINGTON.

Seattle:				
Clallam.....	820	.....	820	Burned-over mountain.
Jefferson.....	160	.....	160	Rough.
King.....	1,640	157,320	58,960	Rocky, mountainous.
Mason.....	160	.....	160	Do.
Pierce.....	.....	56,000	56,000	Mountainous.
San Juan.....	600	.....	600	Rough, rocky.
Skagit.....	1,620	1,800	3,420	Do.
Snohomish.....	.....	32,740	32,740	Rough.
Whatcom.....	1,940	1,000	2,940	Do.
Total.....	6,940	148,860	155,800	
Spokane:				
Adams.....	609	.....	609	Poor farming, desert.
Douglas.....	172	.....	172	Scab land.
Ferry.....	188,817	2,066	190,883	Timber, mineral, grazing.
Lincoln.....	12,657	.....	12,657	Arid, poor farming, grazing.
Okanogan.....	20,025	.....	20,025	Grazing, farming, mineral.
Pend Oreille.....	40,313	.....	40,313	Mountainous, timbered.
Spokane.....	577	.....	577	Scab land, rough.
Stevens.....	105,350	6,877	112,227	Timbered, farming, grazing, mineral.
Whitman.....	495	.....	495	Grazing, poor.
Total.....	369,015	8,943	377,958	

¹Including 55,400 acres within odd-section grant to Northern Pacific Ry. Co.²Within odd-section grant to Northern Pacific Ry. Co.³Including 32,500 acres within odd-section grant to Northern Pacific Ry. Co.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

WASHINGTON—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Vancouver:				
Clarke.....	4,497		4,497	In foothills, rough, some timber.
Cowlitz.....	5,485		5,485	Do.
Klickitat.....	23,303	2,810	26,113	Rough, grazing, not much timber.
Lewis.....	3,228	164,766	67,994	Rough, some timber, grazing.
Pacific.....	54		54	Rough.
Skamania.....	7,047	279,420	86,467	Mountainous, some timber.
Wahkiakum.....	318		318	Broken, rough.
Total.....	43,932	146,996	190,928	
Walla Walla:				
Adams.....	8,593		8,593	Grazing, desert, poor farming.
Asotin.....	16,137		16,137	Mountainous, grazing, some farming.
Benton.....	33,845		33,845	Grazing, desert.
Columbia.....	1,702		1,702	Mountainous, grazing, some timber.
Franklin.....	35,896		35,896	Grazing, desert.
Garfield.....	1,267		1,267	Grazing, mountainous.
Klickitat.....	6,471		6,471	Grazing, desert.
Walla Walla.....	2,698		2,698	Grazing, some timber.
Whitman.....	1,862		1,862	Grazing, some farming.
Total.....	108,471		108,471	
Waterville:				
Chelan.....	16,444	4,500	20,944	Timber, grazing, rough.
Douglas.....	21,550		21,550	Grazing and rough.
Grant.....	38,993		38,993	Sandy and grazing.
Kittitas.....	500		500	Rough, grazing.
Okanogan.....	62,377		62,377	Mountainous, grazing.
Total.....	139,864	4,500	144,364	
Yakima:				
Benton.....	69,400		69,400	Semiarid, mountainous.
Grant.....	23,040		23,040	Do.
Kittitas.....	61,600		61,600	Semiarid, mountainous, timbered.
Yakima.....	46,240		46,240	Do.
Total.....	200,280		200,280	
State total.....	868,502	309,299	1,177,801	

1 Including 62,010 acres within odd-section grant to Northern Pacific Ry. Co.

2 Within odd-section grant to Northern Pacific Ry. Co.

WISCONSIN.

Wausau:				
Adams.....	177		177	Sandy soil, slightly rolling.
Ashland.....	166		166	Sandy soil, mixed with loam.
Bayfield.....	1,229		1,229	Farming, rolling, somewhat sandy.
Buffalo.....	280		280	Agricultural.
Burnett.....	253		253	Fair agricultural, mixed soil.
Chippewa.....	205		205	Broken.
Clark.....	280		280	Grazing, agricultural.
Columbia.....	5		5	Rolling, sandy.
Crawford.....	16		16	Agricultural, sandy.
Douglas.....	240		240	Some sandy, fair agricultural.
Dunn.....	79		79	Agricultural.
Eau Claire.....	40		40	Fair agricultural, sandy loam.
Florence.....	120		120	Rough, hardwood.
Forest.....	123		123	Do.
Iron.....	40		40	Do.
Jackson.....	545		545	Rolling, soil mixed with loam.
Juneau.....	43		43	Grazing, sandy.
La Crosse.....	82		82	Sandy soil.
Lincoln.....	80		80	Fair agricultural.
Marinette.....	593		593	Agricultural, some sandy.
Monroe.....	108		108	Fair agricultural, pretty level.
Oconto.....	120		120	Hardwood, rolling.
Oneida.....	641		641	Broken, some timbered.
Polk.....	160		160	Broken, fair agricultural.

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

WISCONSIN—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Wausau—Continued.				
Portage.....	11	.....	11	Agricultural, sandy soil.
Price.....	522	.....	522	Sandy loam, broken.
Rusk.....	55	.....	55	Fair agricultural.
Sauk.....	40	.....	40	Farming.
Sawyer.....	160	.....	160	Some timbered, farming.
Taylor.....	80	.....	80	Broken, fair agricultural.
Trempealeau.....	80	.....	80	Farming, sandy loam.
Vilas.....	180	.....	180	Rough, some hardwood.
Washburn.....	179	.....	179	Agricultural, sandy clay.
Wood.....	2	.....	2	Sandy.
State total.....	6,934	.....	6,934	

WYOMING.

Buffalo:				
Big Horn.....	965,378	45,120	1,010,498	Grazing, agricultural, mountainous.
Campbell.....	315,072	.....	315,072	Dry farming, grazing, and rolling.
Converse.....	8,670	.....	8,670	Grazing, hilly.
Hot Springs.....	135,321	.....	135,321	Grazing, mountainous.
Johnson.....	1,004,736	.....	1,004,736	Agricultural, dry farming, grazing, and mountainous.
Natrona.....	45,177	.....	45,177	Dry lands, rolling, grazing.
Sheridan.....	199,036	22,840	221,876	Agricultural, grazing, and dry farming.
Washakie.....	1,027,326	.....	1,027,326	Grazing, mountainous.
Total.....	3,700,716	67,960	3,768,676	
Cheyenne:				
Albany.....	616,690	21,581	638,271	About one-half broken, mountainous, other half prairie; grazing, farming; farm land mostly along streams.
Carbon.....	1,688,600	10,701	1,699,301	Greater portion broken, mountainous, some timber; agricultural lands along streams.
Fremont.....	138,200	32,979	171,179	Mountainous, arid, timber.
Goshen.....	11,060	.....	11,060	Broken, grazing, dry farming.
Laramie.....	23,440	.....	23,440	Prairie, broken grazing; dry-farming lands along streams irrigable.
Platte.....	77,220	.....	77,220	Prairie, broken grazing; dry-farming.
Sweetwater.....	607,040	.....	607,040	Mountainous, broken grazing, alkaline plains.
Total.....	3,162,250	65,261	3,227,511	
Douglas:				
Converse.....	227,985	30,130	258,115	Grazing, mountainous, mineral.
Fremont.....	935,103	.....	935,103	Do.
Natrona.....	2,117,521	.....	2,117,521	Do.
Niobrara.....	231,028	.....	231,028	Do.
Total.....	3,511,637	30,130	3,541,767	
Evanston:				
Fremont.....	543,894	583,337	1,127,231	Farming, grazing, mountainous.
Lincoln.....	1,203,749	548,202	1,751,951	Farming, grazing, timber.
Sweetwater.....	3,631,790	172,393	3,804,183	Dry farming, grazing, alkaline.
Uinta.....	578,475	.....	578,475	Dry farming and grazing.
Total.....	5,957,908	1,303,932	7,261,840	
Lander:				
Big Horn.....	167,978	.....	167,978	Timber, mountainous, farming, and grazing.
Fremont.....	1,888,195	41,577	1,929,772	Arid, mountainous, farming, grazing, some stone.
Hot Springs.....	685,034	40,116	725,150	Farming, mineral, grazing, and timber.
Park.....	854,692	8,134	862,826	Timber, stone, farming, grazing, some mineral.
Washakie.....	3,155	.....	3,155	Broken, farming, grazing.
Total.....	3,599,054	89,827	3,688,881	

Statement showing the area of land unappropriated and unreserved on July 1, 1919—Con.

WYOMING—Continued.

Land district and county.	Area in acres.			Character.
	Surveyed.	Un-surveyed.	Total.	
Sundance:				
Campbell.....	378,546	106,290	484,836	Broken, grazing.
Converse.....	15,242		15,242	Prairie, grazing.
Crook.....	171,867	2,921	174,788	Semimountainous lands, some timber.
Niobrara.....	18,184		18,184	Broken, grazing lands.
Weston.....	206,254		206,254	Small areas of timber, rolling, grazing.
Total.....	790,093	109,211	899,304	
State total.....	20,721,658	1,666,321	22,387,979	

RECAPITULATION BY STATES.

State.	Area in acres.		
	Surveyed.	Unsurveyed.	Total.
Alabama.....	37,740		37,740
Arizona.....	7,142,565	13,572,220	20,714,785
Arkansas.....	300,599	7,000	307,599
California.....	15,654,405	4,585,572	20,239,977
Colorado.....	8,251,297	1,296,681	9,547,978
Florida.....	117,784		117,784
Idaho.....	6,745,861	3,942,747	10,688,608
Kansas.....	4,956		4,956
Louisiana.....	30,129		30,129
Michigan.....	73,106		73,106
Minnesota.....	240,314		240,314
Mississippi.....	39,933		39,933
Missouri.....	78		78
Montana.....	4,182,643	2,950,951	7,133,594
Nebraska.....	92,826		92,826
Nevada.....	31,971,560	23,146,380	55,117,940
New Mexico.....	14,033,148	4,752,575	18,785,723
North Dakota.....	90,547		90,547
Oklahoma.....	20,994		20,994
Oregon.....	13,412,269	748,832	14,161,101
South Dakota.....	531,810	29,399	561,209
Utah.....	14,217,026	17,104,961	31,321,987
Washington.....	868,502	309,299	1,177,801
Wisconsin.....	6,934		6,934
Wyoming.....	20,721,658	1,666,321	22,387,979
Grand total.....	138,788,684	74,112,938	212,901,622

ALASKA.

The unappropriated lands in Alaska are not included herein. The total area of Alaska is 378,165,760 acres, of which about 25,384,000¹ acres are reserved. Approximately 1,144,449 acres have been surveyed under the rectangular system.

¹ 20,713,205 acres thereof are reserved for forestry purposes.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, D.C.

July 16, 1919

ACCOUNTS : increase of

: compensation.

Surveyors General,
Chiefs of Field Divisions,
Special Disbursing Agents, and others.

Sirs:

Section 7 of the Act of Congress, approved March 1, 1919 (Public No. 314), provides

"That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this section, shall receive, during the fiscal year ending June 30, 1920, additional compensation at the rate of \$240 per annum: Provided, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation at such a rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation under this section at a rate which is more than sixty per centum of the rate of the total annual compensation received by such employee: Provided further, That the increased compensation at the rate of \$120 per annum for the fiscal year ending June 30, 1919, shall not be computed as salary in construing this section: Provided further, That where an employee in the service on June 30, 1918, has received during the fiscal year 1919, or shall receive during the fiscal year 1920 an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1918, whether such employee has received an increase in salary or not, such employee shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation."

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1943

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WASHINGTON, D.C.

MEMORANDUM FOR THE DIRECTOR

FROM: SAC, ALBUQUERQUE

SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

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38. [Illegible]

39. [Illegible]

40. [Illegible]

The provisions of this section shall not apply to the following: z z z employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals."

These provisions except as to amount, are the same as those for the fiscal year ending June 30, 1919. An additional paragraph, however, provides that,

"So much as may be necessary to pay the increased compensation provided in this section to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds."

Under the provisions of this paragraph the increase of compensation at \$240 per annum to employees whose services are chargeable to "Deposits by Individuals for Surveying Public Lands", deposits for resurveys under the act of September 21, 1918, "Completing Surveys within Railroad Land Grants," or other deposits made by individuals to cover the cost of work to be performed, will be paid from the funds chargeable with the cost of such employees' services.

In the case of employees engaged on work, a part of which is chargeable to "Completing Surveys within Railroad Land Grants", and whose salary will, therefore, be paid from "Surveying within Land Grants (reimbursable)", the increase of compensation at \$240 per annum will be paid from "Completing Surveys within Railroad Land Grants", and "Increase of Compensation, Interior Department, 1920", in the proportion that the railroad company and the Government is chargeable with the regular salaries of such employees.

Very respectfully,

CLAY TALLMAN
Commissioner.

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The provisions of this section shall not apply to
the following: a. a company or other entity
only a portion of which is owned by the Government, which shall
be included, subject to the provisions of this section for
dual purposes of interest.

These provisions shall not apply to the extent of the
the fiscal year ending June 30, 1950. In the fiscal year ending
provides that:

"No such company shall be necessary to pay the increased
compensation provided in this section to persons employed
under this law who are considered to be employees of
the Government or the United States or of the District of
Columbia as determined by the Board, respectively, from which
such funds."

Under the provisions of this paragraph the interest of companies
in or 50% or more in the ownership of which the interest of companies
"benefits of individuals for Governmental purposes," referred to for re-
veys under the act of September 21, 1940, "benefits of individuals with
Railroad Land Grants," or other deposits made by individuals to cover the
cost of work to be performed, will be paid from the funds available with
the cost of such employees' services.

In the case of employees engaged on work, a part of which is
chargeable to "Governmental Service within Railroad Land Grants," and those
employees will, therefore, be paid from "Governmental Service Land Grants
(reimbursements)," the interest of companies of 50% or more will be
paid from "Governmental Service within Railroad Land Grants," and "Interest
of Companies," Interest Department, 1940, in the properties of the
railroad company and the Government is chargeable with the regular salaries
of such employees.

Very respectfully,

WILLIAM H. HARRIS
Commissioner

CIRCULAR NO. 652.

LEAVES OF ABSENCE ON ACCOUNT OF DROUGHT CONDITIONS— ACT OF JULY 24, 1919—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., July 29, 1919.

*Registers and Receivers,
United States Land Offices.*

SIRS: A clause in the agricultural appropriation act of July 24, 1919 (Public, No. 22), provides as follows:

"That any homestead settler or entryman who, during the calendar year 1919, finds it necessary to leave his homestead to seek employment in order to obtain food and other necessities of life for himself, family, and work stock, because of great and serious drought conditions, causing total or partial failures of crops, may, upon filing with the register and receiver proof of such conditions in the form of a corroborated affidavit, be excused from residence upon his homestead during all or part of the calendar year 1919, or the current year of such homestead which may fall principally in the year 1919, and in the making of final proof upon such an entry absence granted under this act shall be counted and construed as constructive residence by said homesteader."

2. No blanks will be furnished for these applications, but they should cover the following points:

- (a) Name and address of entryman.
- (b) Serial number of entry.
- (c) Description of the land embraced in the entry.
- (d) The date the entry was *allowed* by the register.
- (e) Character and extent of drought conditions affecting the entry.
- (f) Effect of drought on crops of entryman.
- (g) Necessity of entryman seeking employment elsewhere because of drought conditions.
- (h) Period of leave applied for.

Points *c*, *f*, and *g* should state the facts fully and in detail. The "current year" of an entry is counted from the date of its allowance; hence the period applied for (*h*), can not extend beyond December 31, 1919, *unless* the entry was *allowed* on a date earlier than July *first* of the year in which the entry was allowed, in which case leave may, *on proper showing*, be granted for the balance of the

current year of the entry, which in no case can extend beyond June 30, 1920.

3. A person who is granted a leave under this act will obtain credit as for residence, during the time of his absence, as though actually living upon the entry. If this absence is for a period during which a certain amount of cultivation would have been required under the provisions of the homestead law, he will be given credit as for cultivation also during the time of absence.

4. The act applies to entrymen, only if they have established residence upon their claims. It applies also to settlers who have not made entries. If the latter file applications for leaves of absence you will assign them current serial numbers. If the settler has theretofore filed notice of absence under the act of July 3, 1916 (39 Stat., 341), the application under this act will be given the serial number already assigned such notice of absence.

5. You will allow a leave of absence if a proper showing be made and will forward the papers with your regular returns. If you reject an application you will allow the usual time for appeal, and if this be filed you will forward all papers by special letter.

Very respectfully,

CLAY TALLMAN, *Commissioner*.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

Circular No. 655.

Soldiers' Additional

Homestead Entries.

*Obsolete - see
Circular 1861*

Date for Abolishing Approximation Changed from September 1, 1919, to December 1, 1919: Circular No. 648, Modified.

Department of the Interior
General Land Office,
Washington, D. C.,
August 22, 1919.

Registers and Receivers,
United States Land Offices.

Sirs:

Attention is directed to the following departmental letter of August 19, 1919:

"The Commissioner of the
General Land Office.

Dear Mr. Commissioner:

Referring to my ruling of June 13, 1919, embodied in General Land Office Circular No. 648, June 24, 1919, in regard to rule of approximation, as applied to soldiers' additional homestead entries, it was directed that the new rule should become effective September 1, 1919. For good reasons shown, the Department is convinced that the time limit is too short, and same is hereby extended to December 1, 1919. You will give this modification the same publicity given the original instructions.

Very truly yours,
Alexander T. Vogelsang,
First Assistant Secretary."

Accordingly, on and after December 1, 1919, you will require applicants for location of rights under Sections 2306 and 2307 of the Revised Statutes (commonly known as Soldiers' additional homestead entries) to tender rights of sufficient area to equal the area of the land sought to be located.

Very respectfully,

C. M. BRUCE,

Acting Commissioner.

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In reply please refer to

Circular No. 656.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

September 10, 1919.

Discharged Soldiers and Sailors-
Time to Return to Homesteads.

Registers and Receivers,
United States Land Offices.

Sirs:

The Act of July 28, 1917 (40 Stat., 248), provides that, in connection with homestead claims, initiated prior to entering the service, the military or naval service of the claimant shall be "equivalent to all intents and purposes to residence and cultivation for the same length of time upon the tract entered or settled upon." In view of this provision, the soldier may, promptly upon his discharge, file in the U. S. Land Office in which his entry was made notice of his intention to take the five months' absence allowed in each residence year (or such lesser absence as he may be entitled to in that residence year); such period will be counted as residence and a contest on the ground of abandonment will not be permitted until the expiration of six months in addition to the absence taken under such notice.

Under this ruling, where the discharge occurs five months or more before the end of the residence year and proper notice is given, the entry will be protected from contest for eleven months after his discharge.

The residence years referred to in this circular are computed in periods of twelve months each, dating from the soldier's enlistment or entrance into the service, or from the date he established residence upon the land if he did so prior to entering the service.

Very respectfully,

D. K. PARROTT,

Acting Assistant Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

(1416)

CIRCULAR NO. 657.

ABSENCE DURING COURSE OF VOCATIONAL REHABILITATION--

Act of September 29, 1919 (Public No. 52)--

INSTRUCTIONS.

Department of the Interior,
General Land Office,
Washington, D. C., October 8, 1919.

Registers and Receivers,
United States Land Offices.
Sirs:

The act of September 29, 1919 (Public No. 52), provides:

"That every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the Vocational Rehabilitation Act approved June 27, 1918, upon the ground that he comes within article 3 of the Act of October 6, 1917 (40 Stat., 398), and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board of Vocational Education, and such absence, while actually engaged in such training shall be counted as constructive residence; Provided, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year."

Article 3 of the act of October 6, 1917 (40 Stat., 398, 405) referred to, provides for compensation by the government to any person who has suffered disability on account of personal injury received, or disease contracted, in the line of duty while actively engaged in the military service, including members of the Army Nurse Corps (female) and of the Navy Nurse Corps (female). The present act is limited in its application to persons who come within these classes, being those referred to in said act of June 27, 1918.

2. Any person who has made or shall make a homestead entry, or has filed or shall file an application for such entry, which is subsequently allowed, or has made or shall make a valid settlement on the public land, pursuant to which he may thereafter be allowed

to make homestead entry, and who, after the date of such entry, application or settlement is furnished a course of vocational rehabilitation upon the grounds above set forth, is entitled to a leave of absence from his claim during the period of his training and is entitled to have said period counted as constructive residence, subject to the condition that he cannot receive final certificate and patent without a showing of one year's residence. Moreover, he is entitled, on proper notice, to absent himself for five months in each required year of residence, which may be divided into two periods if desired.

3. The fact that a claimant is entitled to credit on the residence and cultivation period on account of his military service does not preclude him from the allowance of credit under this act; but each homesteader must show at least one year's residence and cultivation irrespective of the total of the combined credit and leave of absence to which he may be entitled.

4. Under the legislation conferring special privileges on soldiers and sailors, one who is accorded so much credit for military service that there is required not more than one year's residence upon his claim, need show only such amount of cultivation as will evidence his good faith as a homestead claimant; if his credit is such as to require more than one year's residence he must show cultivation to the extent of one-sixteenth of the area of the land beginning with the second year of the entry; if the credit is so small that there is required more than two year's residence, he must show cultivation of one-sixteenth of the area during the second year and one-eighth thereof during the third year and until submission of proof.

If, in view of these rules, the period of absence under the present act is during a time when cultivation would be required of the entryman, then he will be given credit for constructive cultivation also during that time.

5. A person who is entitled to the benefits of this act should forward to the local U. S. Land Office notice of his absence from the land and of the fact that he has been admitted to take a course of vocational rehabilitation under the above-mentioned provisions of the act of June 27, 1913, together with a certificate to that fact by the proper official. He should also file notice of his return to the land. The local officers will make due notations on their records.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

Alexander T. Vogelsang,

First Assistant Secretary.

1870

INSTRUCTIONS RELATIVE TO DESERT-LAND APPLICATIONS

(Circular No. 658)

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 13, 1919.

Registers and Receivers,
U. S. Land Offices.

Sirs:

Hereafter you will notify desert-land applicants of the transmission of their applications to the Chief of Field Division, for field investigation, and also notify them as follows:

No work, other than that necessary to ascertain if the land may be irrigated, is required to be done in connection with the land embraced in applications to make desert-land entries, unless such applications are allowed, and desert-land applicants who do work on their claims prior to the allowance of their applications will, of course, suffer a loss of the work thus done, in case it should appear after a field investigation that their applications can not be allowed.

A printed form of letter will be furnished you for use in this relation.

Very respectfully,

CLAY TALLMAN,

Commissioner.

SOME INSECT

Thrift Stamps are caterpillars. When they have grown to sixteen in number, a few cents metamorphoses them into a big blue butterfly of a War Savings Stamp.

absence from his claim during the period of his training and is entitled to have said period counted as constructive residence, subject to the condition that he cannot receive final certificate and patent without a showing of one year's residence. Moreover, he is entitled on proper notice, to absent himself for five months in each required year of residence, which may be divided into two periods of desired.

3. The fact that a claimant is entitled to credit on the residence and cultivation period on account of his military service does not preclude him from the allowance of credit under this act; but each homesteader must show at least one year's residence and cultivation irrespective of the total of the combined credit and leave of absence to which he may be entitled.

4. Under the legislation conferring special privileges on soldiers and sailors, one who is accorded so much credit for military service that there is required not more than one year's residence upon his claim, need show only such amount of cultivation as will evidence his good faith as a homestead claimant; if his credit is such as to require more than one year's residence he must show cultivation to the extent of one-sixteenth of the area of the land beginning with the second year of the entry; if the credit is so small that there is required more than two years' residence, he must show cultivation of one-sixteenth of the area during the second year and one-eighth thereof during the third year and until submission of proof.

If, in view of these rules, the period of absence under the present act is during a time when cultivation would be required of the entryman, then he will be given credit for constructive cultivation also during that time.

5. A person who is entitled to the benefits of this act should forward to the local U.S. land office notice of his absence from the land and of the fact that he has been admitted to take a course of vocational rehabilitation under the above-mentioned provisions of the act of June 27, 1918, together with a certificate to that fact by the proper official. He should also file notice of his return to the land. The local officers will make due notations on their records.

Very respectfully,

CLAY TALINAN,

Approved:

Commissioner.

Alexander T. Vogelsang,

First Assistant Secretary.

STATE SELECTIONS - PUBLICATION OF NOTICE

Instructions of June 23, 1910 (39 L. D., 39), amended.

(Circular No. 659)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 15, 1919.

Registers and Receivers,
United States Land Offices.

Sirs:

Pursuant to departmental decision of September 8, 1919, in ex parte State of New Mexico (47 L.D., --), Rule 9 and the first paragraph of Rule 11 of the instructions of June 23, 1910 (39 L.D., 39), are hereby amended to read as follows:

9. Notice of selection of all lands must be given by publication in a daily or weekly newspaper of general circulation in the County where the lands are located, the paper to be designated by the Register (see Rule 11).

11. Proof of publication will be the affidavit of the publisher, or foreman of the newspaper employed, that the notice (a copy of which must be annexed to the affidavit) was published in said newspaper once a week (if a weekly paper) for five successive weeks, or for thirty days in a daily paper, as the case may be. Such affidavit must show that the notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement. Affidavits of publication not in conformity with these requirements will be rejected by the Register and Receiver.

The foregoing amendments will be effective as to all notices issued subsequent to November 1, 1919.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

STOCK-RAISING HOMESTEAD ACT--AMENDMENT BY ACT OF
SEPTEMBER 29, 1919 - ADDITIONAL ENTRIES -- INSTRUCTIONS.
(Circular No. 660)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 20, 1919.

Registers and Receivers,
United States Land Offices.

Sirs:

The Act of September 29, 1919 (Public No. 51), amends sections 4 and 5 of the stock-raising homestead act of December 29, 1916 (39 Stat., 862), so that additional entries may be made under said sections not only for lands contiguous to the original claims of the applicants, but for lands lying within a radius of 20 miles therefrom, provided the claimant takes all available contiguous lands of the character described in the act. This legislation refers to cases where the applicant has a pending original entry, or still owns and resides upon his original perfected claim. Nevertheless, there remains one difference between entries under said sections including incontiguous lands, and those which may, as heretofore, be made under the provisos to section 3 of the act, notwithstanding a transfer of the entire original tract. Under said provisos, an entry can now be made only where the applicant no longer holds any part of his former claim. In connection with such an entry, no credit can be given for residence on the original tract, nor for residence on the additional prior to the designation of the lands under the stock-raising act. Such credit is, however, given the homesteaders in case of entries under sections 4 and 5. It is to be understood that, in all cases where part, or all, of the land involved has not been designated under the act, an application for entry may be accompanied by a petition in duplicate for designation thereof.

2. Pursuant to the above, paragraphs 8 and 9 of the instructions of January 27, 1917 (45 L.D., 625), are amended to read as follows:

"8. (a) Under section 4 of the act any person having a homestead entry for land which shall have been designated under this act, upon which he has not submitted final proof, may make entry of contiguous designated lands, which, with the area of his original entry, shall not exceed 640 acres; if there is not sufficient vacant unreserved land of the proper character adjoining his pending claim, unapplied for by any other person, he may make up the deficiency by entering one or more other tracts lying within a radius of twenty miles from said claim, but he will not be permitted to take two or more tracts, while omitting from his application land adjoining one of them, which land is of the proper character and is not otherwise applied for. If there is no available land contiguous to the original claim, then the

Su Circ 665

Obsolete

Repealed by

Circ 1799

CIRCULAR No. 660.

STOCK-RAISING HOMESTEAD ACT—AMENDMENT BY ACT OF SEPTEMBER 29, 1919—ADDITIONAL ENTRIES—INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., October 20, 1919.

Registers and Receivers, United States Land Offices.

SIRS: The act of September 29, 1919 (Public No. 51), amends sections 4 and 5 of the stock-raising homestead act of December 29, 1916 (39 Stat., 862), so that additional entries may be made under said sections not only for lands contiguous to the original claims of the applicants, but for lands lying within a radius of 20 miles therefrom, provided the claimant takes all available contiguous lands of the character described in the act. This legislation refers to cases where the applicant has a pending original entry, or still owns and resides upon his original perfected claim. Nevertheless there remains one difference between entries under said sections including incontiguous lands, and those which may, as heretofore, be made under the provisos to section 3 of the act, notwithstanding a transfer of the entire original tract. Under said provisos, an entry can now be made only where the applicant no longer holds any part of his former claim. In connection with such an entry no credit can be given for residence on the original tract, nor for residence on the additional prior to the designation of the lands under the stock-raising act. Such credit is, however, given the homesteaders in case of entries under sections 4 and 5. It is to be understood that, in all cases where part, or all, of the land involved has not been designated under the act, an application for entry may be accompanied by a petition in duplicate for designation thereof.

2. Pursuant to the above, paragraphs 8 and 9 of the instructions of January 27, 1917 (45 L. D., 625), are amended to read as follows:

"8. (a) Under section 4 of the act any person having a homestead entry for land which shall have been designated under this act, upon which he has not submitted final proof, may make entry of contiguous designated lands, which, with the area of his original entry, shall not exceed 640 acres; if there is not sufficient vacant unreserved land of the proper character adjoining his pending claim, unapplied for by any other person, he may make up the deficiency by entering one or more other tracts lying within a radius of 20 miles from said claim, but he will not be permitted to take two or more tracts, while omitting from his application land adjoining one of them, which land is of the proper character and is not otherwise applied for. If there is no available land contiguous to the original claim, then the additional entry may be made so as to cover only an incontiguous tract or tracts.

"The applicant is at liberty to file an affidavit corroborated by two witnesses to the effect that land, which should otherwise be included in his application, but which is omitted therefrom, is *not* of the character contemplated by the act, and stating the facts upon which that allegation is based.

"(b) On submission of proof on the additional entry, claimant must show residence on one of the tracts to the extent ordinarily required, but will be entitled to credit for residence on the original tract before or after the date of the additional entry; he must also show improvements on the additional tract or tracts to the value of \$1.25 for each acre thereof. Proof on the additional entry may be submitted within five years after its allowance, when the requisite residence can be shown, but not before submission of proof on the original. Proof on the original entry must be submitted under the provisions of the law pursuant to which it was made and within its life, as limited thereby; but, subject to that condition, one proof may be submitted on the two entries jointly.

"The marriage of a woman does not disqualify her from making an additional entry under this section; and husband and wife may make entries thereunder, additional to their respective pending entries, if an election as to residence on one of the original tracts, as provided by the act of April 6, 1914 (38 Stat., 312), has been accepted.

"9. (a) Under section 5 of the act, any person who has submitted final proof on an entry under the homestead laws for land designated under this act, who owns and resides upon said land, may enter lands so designated contiguous thereto, which, with the area of his original entry, shall not exceed 640 acres; the entry may be made to cover land incontiguous to the original claim, in whole or in part, under the same rules as govern entries under section 4, as set forth in paragraph 8 of this circular.

"A married woman may make entry under section 5 of the act.

"(b) In order to acquire title to the land it is necessary only that claimant show the expenditure on the additional tracts of \$1.25 per acre for improvements of the kind described in paragraph 7. At least half of such expenditures must be made within three years after allowance of the entry. Proof may be submitted at any time within five years after the entry is allowed.

"Where satisfactory proof has been submitted on the original entry, the additional entry may be perfected under this section of the act regardless of the question whether it was three-year, five-year, or commutation proof."

3. Additional entries which have been made under the provisos to section 3 of the act by persons who at the time of the entry held pending entries or still owned and resided upon perfected entries will be considered and adjudicated in all respects as though made under section 4 or section 5 of the act as amended, as the case may be.

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.



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P.O. Box 25047
Denver, CO 80225

[PUBLIC RESOLUTION—No. 20—66TH CONGRESS.]

[H. J. Res. 241.]

Joint Resolution To suspend the requirements of annual assessment work on mining claims during the year 1919.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located and until a patent has been issued therefor, not less than \$100 worth of labor to be performed, or improvements aggregating such amount to be made each year, be, and the same is hereby suspended as to all mining claims in the United States, including Alaska, during the calendar year 1919: Provided, That every claimant of any such mining claim in order to obtain the benefits of this resolution shall file or cause to be filed in the office where the location notice or certificate is recorded on or before December 31, 1919, a notice of his desire to hold said mining claim under this resolution.

Approved, November 13, 1919.

Circular No. 664.

Price of Lands within Granted Limits of Railroad -- Prior

Instructions Revoked.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON.

December 13, 1919.

Registers and Receivers,

United States Land Offices.

Sirs:

By decision of September 10, 1919, in heirs of Edward B. Baldwin (47 L. D., --), the Department overruled its decision in the case of Even Thorstenson (45 L. D., 96), and in effect its decision in the case of Walter Hollensteiner (38 L. D., 319), and the first paragraph of the instructions of March 2, 1910 (38 L. D., 468).

Pursuant thereto, in collecting commissions and in disposing of lands in odd-numbered sections within the granted limits of a railroad but excepted from the operations of the grant, the price should be computed at \$1.25 per acre, unless a different price is fixed in the granting act or in some other act of Congress.

Very respectfully,

CLAY TALIMAN,

Approved:

Commissioner.

(Signed) ALEXANDER T. VOGELSANG,

First Assistant Secretary.

CIRCULAR NO. 665.

STOCK-RAISING HOMESTEAD ACT -- CIRCULAR NO. 660 CONSTRUED.

DEPARTMENT OF THE INTERIOR

General Land Office,

Washington, D.C., December 19, 1919.

Registers and Receivers,
U. S. Land Offices.

Sirs:

In the fourth sentence of paragraph 1 of circular No. 660, dated October 20, 1919, the word "holds," is to be regarded as meaning "owns and resides upon."

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

*Part 1974
CFR 43*

DEPARTMENT OF THE INTERIOR

*Still in
effect
5/27/54/65*

General Land Office - - Circular No. 671

REGULATIONS *See Circ. 1642, too*

CONCERNING

OIL SHALE LEASES

Authorized by Act of February 25, 1920
(Public No. 146)

APPROVED MARCH 11, 1920

(REPRINT AS AMENDED MARCH 27, 1920)



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

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OIL SHALE REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 11, 1920.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

SIRS: Section 21 of the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," authorizes the Secretary of the Interior to lease any deposits of oil shale belonging to the United States, and the surface of such lands as may be necessary for the extraction and reduction of the minerals leased. The following rules and regulations will govern the issuance of such leases:

1. *Qualifications of applicants.*—Pursuant to section 1 of said act, leases may be made to (a) a citizen of the United States; (b) an association of such citizens; (c) a corporation organized under the laws of the United States, or of any State or Territory thereof; or (d) a municipality.

2. *Lands and deposits to which applicable.*—The lease may include such deposits and the surface of so much of the land containing same, or of land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, the aggregate area not to exceed 5,120 acres.

Such leases may not include lands or deposits in (a) national parks, (b) forest reserves created under the act of March 1, 1911 (36 Stat., 961), known as the Appalachian forest reserve act, (c) lands in military or naval reservations, (d) Indian reservations, or (e) ceded or restored Indian lands, the proceeds from the disposition of which are credited to the Indians.

All permits or leases for the exploration for or development of oil shale deposits under this act within the limits of national forests or other reservations, or withdrawals to which this act is applicable, shall be subject to and contain such conditions, stipulations and reservations as the Secretary of the Interior shall deem necessary for the protection of such forests, reservations, or withdrawals, and the uses and purposes for which created.

3. *Form and contents of application.*—Applications for leases must be under oath, and should be filed in the proper district land office, addressed to the Commissioner of the General Land Office. No specific form of application is required, and no blanks will be furnished, but it should cover in substance the following points:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant, by affidavit of such fact if native born; if naturalized, by a certified copy of a certificate thereof in the form provided for use in public land matters, unless such copy is on file. If the applicant is an association, each member thereof must show his qualifications as above stated; if a corporation, a certified copy of the articles of incorporation must be filed, together with a showing as to the residence and citizenship of its stockholders; if a municipality a showing of (1) the law or charter and procedure taken by which it has become a legal body corporate; (2) that the taking of a permit or lease is authorized under such law or charter; and (3) that the action proposed has been duly authorized by the governing body of such municipality.

(c) A statement that the applicant has no lease under the provisions of this section, nor any other application for lease thereunder pending, and that he does not hold interests in such leases or applications which, with the land applied for, will exceed 5,120 acres.

(d) Description of land for which the lease is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case the description should be connected to some corner of the public land surveys where practicable, or to some permanent landmark. If the land is unsurveyed, the applicant, after he has been awarded the right to a lease, but before the issuance thereof, will be required to deposit with the United States surveyor general of the State where the land is located the estimated cost of making a survey of the lands, any balance remaining after the work is completed to be returned. This survey will be an extension of the public land surveys over the tract applied for, the leased land to be conformed to legal subdivisions of such survey when made.

(e) Evidence that the land is valuable for its oil shale content, except so much thereof as is necessary for the extraction and reduction of the leased minerals, with a statement as accurate as may be of the character and extent and mode of occurrence of the oil-shale deposits in the lands applied for.

(f) Proposed method, so far as determined, as to the process of mining and reduction to be adopted, the diligence with which such operations will be carried on, and the contemplated investment in reduction works and development, and the capital available therefor.

(g) The application shall be accompanied by a notice for publication, in duplicate, prepared for the signature of the register, in substantially the following form:

Serial No —.

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE AT —, — 19—.

NOTICE OF APPLICATION FOR OIL SHALE LEASE.

Notice is hereby given that in pursuance of the act of Congress, approved February, 25, 1920, — whose post-office address is — has made application for oil shale lease covering the following described lands: —.

Any and all persons claiming adversely any of the above described lands are required to file their claims in this office on or before —, otherwise their claims will be disregarded in the granting of such lease.

—, Register.

The register will fix the time within which adverse or conflicting claims may be filed at not less than 30, nor more than 40 days from first publication.

4. *Disposition of application.*—(a) The application will be given the current serial number by the register and receiver, noted on their records, and the notice for publication will be signed by the register.

(b) One copy of the signed notice will be delivered to the applicant, who will cause the same to be published in a newspaper to be designated by the register, of general circulation, and best adapted to give the widest publicity, in the county where the land is situated. If the land is in two or more counties, notice must be published in each. Notice must also be posted in the local land office during the period of publication.

(c) At the expiration of the period of publication the application, together with evidence of publication and posting in said office, should be promptly transmitted by the register and receiver to the Commissioner of the General Land Office with a statement of the status of the land involved as to conflicts, withdrawals, protests, and any other matters that may be necessary to determine the availability of the land or deposits therein for lease.

5. *Action on application.*—As the area and form of lands leased hereunder is entirely discretionary with the Secretary of the Interior, if the area applied for is considered too large, or the form unsatisfactory, or in case of conflicting applications, the application may be held for rejection, but the applicant given an opportunity to amend his application in conformity with requirements. Should the application be found satisfactory by the Commissioner of the General Land Office, he will submit it to the Secretary of the Interior with a recommendation that a lease for the described lands be awarded the applicant. If the right to a lease be granted, the applicant will be required, within 30 days from notice, to pay the rental of 50 cents per acre for the first year, which the receiver will carry in his unearned account, until the lease is acted upon, and to furnish a lease duly executed on his part, which lease will be substantially in the following form:

6. *Form of lease*—

Serial No. —.

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE AT —,

OIL SHALE LEASE.

Date—Parties.—This indenture of lease entered into in triplicate this — day of —, 192—, by and between the United States of America, acting in this behalf by the Secretary of the Interior, party of the first part, hereinafter called the lessor, and —, party of the second part, hereinafter called the lessee, under and pursuant to the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," witnesseth:

1. *Purposes.*—That the lessor in consideration of the rents and royalties to be paid, and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the right and privilege to mine and dispose of all the oil shale or the products thereof that may be mined under the terms of this lease from the following described lands —, containing — acres, together with the right to construct thereon all such works as may be necessary or convenient for the reduction of such shale and the preparation of its oil or other contents for market.

2. *Subject to limitations of act.*—It is expressly understood that this lease is granted subject in all respects to the conditions, limitations, and provisions of the act under which this lease is made, which act, so far as it relates to oil shale, is hereby made a part hereof to the same extent as if incorporated herein.

3. *Rights reserved.*—The lessor expressly reserves the right to grant, upon such terms as the Secretary may determine to be just, such easements or rights of way, including easements in tunnels, upon, through, or in the lands leased, as may be necessary to the working thereof, or of other lands containing coal, oil, oil shale, phosphate, gas, or sodium, and the treatment or shipment of any of the products of such lands by, or under authority of the United States, its lessee or permittee, and for other public purposes.

4. The lessee, in consideration of the lease of the rights and privileges aforesaid, hereby covenants and agrees as follows:

(a) *Investment.*—To invest in mining operations, reduction plants, or other equipment for the mining and reduction of the minerals leased, as follows: That is to say [*Here give detailed description of proposed reduction plant and other equipment or works*], upon the lands included herein the sum of _____ dollars, of which sum not less than one-fifth be expended during the year succeeding the execution of this instrument, and a like sum each year for the succeeding four years, unless such amount may be sooner invested.

(b) *Bond.*—To furnish within thirty days' after signature of the lease, a bond in the sum of one-half the amount to be expended each year, conditioned upon the expenditure of such sum within said period, and submit annually at the expiration of each year for the said period an itemized statement as to the amount and character of the expenditure during said year.

(c) *Annual rentals.*—To pay as an annual rental, for each acre or part thereof covered by this lease, the sum of fifty cents per acre each year during the life of this lease, all such annual payments of rental to be paid in advance to the receiver of the proper local land office on the anniversary of the date hereof, and to be credited to the first royalties becoming due hereunder during the year for which rental was paid, unless during any of the first five years of the existence of the lease the lessor waives the payment of royalty or rental.

(d) *Royalty.*—To pay to such receiver a royalty of _____ per centum of the market value of the commercially extractable crude oil content, and other primary products of all shale mined and sold or reduced, unless the Secretary of the Interior waives the payment of such royalty during any or all of the first five years of the lease. The lessee agrees to make and keep a record of, by methods and practices satisfactory to the lessor, all necessary gagings, measurements, or analyses of all shale mined and sold or reduced, and all products manufactured therefrom by the lessee, to afford an adequate basis for computing and ascertaining the amount and grade of the crude and other primary products on the basis of which such royalty is to be paid; the decision of the Secretary of the Interior as to the market value of such products on which the royalty is computed shall be conclusive. The royalty must be paid on the last day of March, June, September, and December, each payment to cover the royalty on all production during the preceding three months.

(e) *Reports.*—To keep accurate account of the amount and value of the production under the lease, and to make a report on the last day of March, June, September, and December of the amount and value of the production during the preceding three months; also the amount invested in the property, the cost of operation, contracts in force as to disposal of proceeds, and depreciation of the property used in working the leased land; the books, records, property leased, and reduction works to be subject to inspection at any time by an accredited agent of the lessor.

(f) *Sublease.*—Not to assign this lease or any interest therein, nor sublet any portion of the leased premises, or any of the rights and privileges herein granted without the written consent of the lessor being first had and obtained.

(g) *Diligence.*—To proceed diligently to develop and mine the oil shale upon the leased lands, and extract therefrom the oil and other valuable contents by the most approved methods, and in such a manner as to utilize all of the shale that can be successfully mined, leaving no available mineral abandoned where the mining is being conducted.

(h) *Regulations.*—To comply with such regulations as have been adopted by the Secretary of the Interior and were in force at date of this lease relative to (1) the safety and welfare of the workmen; (2) the prevention of undue waste; and (3) the exercise of reasonable diligence, skill, and care in the con-

duct of mining operations, which are made a part hereof as fully as if incorporated in this lease; it is also agreed that the workday shall not exceed eight hours for underground workers, except in cases of emergency, prompt report of which must be made to the lessor; that no boy under sixteen years of age, nor any girl or woman shall be employed in any mine below the surface; that the workmen shall have absolute freedom to purchase their supplies wherever they may desire; that wages shall be paid twice each month in lawful money of the United States.

(i) *Interest in leases.*—To observe faithfully the provisions of section twenty-seven of the act, defining the interest or interests that may be taken, held, or exercised under leases authorized by the act.

5. *Prevention of monopoly.*—The lessor reserves full power and authority to carry out by order, and to enforce all the provisions of section thirty of the act, to insure the sale of the production of such lands to the United States and to the public at reasonable prices, and for the prevention of monopoly, and the lessee hereby covenants and agrees to comply with any such reasonable order issued in pursuance hereof.

6. *Relinquishment.*—The lessee, upon consent in writing of the lessor, may make a written relinquishment of all rights under the lease, and thereupon be relieved of all future obligations hereunder, or he may with like consent surrender any legal subdivisions of the area included herein, upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works, or permanent improvements on the lands covered by such relinquishment.

7. *Purchase of improvements.*—On the termination of this lease pursuant to the last preceding section, the lessor, his agent, licensee, or lessee, shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment and tools, or other personalty placed by the lessee in or on the land leased hereunder, save and except underground improvements, machinery, equipment, or structures, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid, shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party hereto, and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months, none of said buildings or other property shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property, except said underground equipment and structures as aforesaid.

8. *Forfeiture.*—If the lessee shall make default in the performance of any of the terms, covenants, and stipulations of this lease, and such default shall continue after written notice thereof by the Secretary of the Interior or his authorized representative, the lessor may, by appropriate proceedings, have this lease forfeited and canceled in a court of competent jurisdiction, but this provision shall not be construed as depriving the lessor of any legal or equitable remedy which the lessor would otherwise have. A waiver of any particular cause for forfeiture shall not affect the right to proceed against the lessee for any other cause of forfeiture, or for the same cause occurring at any other time.

9. *Heirs and successors.*—It is further agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

10. *Readjustment of royalties.*—The lessor shall have the right to readjust and fix the royalties payable hereunder at the end of twenty years from the date of this lease, and to so readjust at the end of each succeeding period of twenty years, but the lessee may, if dissatisfied with the royalties imposed, relinquish and surrender this lease in the manner provided in sections 6 and 7 hereof.

11. *Unlawful interest.*—It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat., 1109), relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA.

By _____ [L. S.]

Secretary of Interior.

Witnesses:

_____ [L. S.]

7. *Preferred right to a lease.*—Under a proviso of section 21 of the act, a person having a valid claim to oil shale deposits under existing law, prior to January 1, 1919, shall, upon the relinquishment of such claim or claims, be entitled to a lease for not exceeding 5,120 acres, provided "that no claimant for a lease, who has been guilty of any fraud or who had knowledge or reasonable ground to know of any fraud, or who has not acted honestly and in good faith, shall be entitled" to such lease.

The beneficiaries of this proviso are those persons or their grantors, who, in the honest belief that the mining laws were applicable to oil shale deposits, have proceeded in absolute good faith to make mineral locations, lode or placer, of shale deposits, and who have, in all respects, fully complied with the provisions and requirements of such laws, including discovery.

The same form of procedure in making applications for lease should be followed as in other cases, except that, in addition to the points referred to in section 3 of any ordinary application, an application for a preference right lease should be accompanied by a full and detailed showing under oath, duly corroborated, of the facts on which the applicant claims a preferred right, together with copies of the location notices, abstracts of title, and such other evidence as may be deemed necessary to establish the claimant's preferred right and entire absence of fraud. Claimants of such preferred rights to leases should present same promptly; otherwise the lands may be leased to others, in which case any preference rights under this proviso will be deemed to have lapsed.

FEEES AND COMMISSIONS.

Under the authority of section 38 of the act, the following fees and commissions are prescribed for transactions under the act:

(a) For receiving and acting on each application for a permit, lease, or other right filed in the district land office in accordance with these regulations, there shall be paid a fee of two dollars (\$2) for every 160 acres, or fraction thereof, in such application, but such fee in no case to be less than ten dollars (\$10), the same to be paid by the applicant and considered as earned when paid, and

to be credited in equal parts on the compensation of the register and receiver within the limitations provided by law.

(b) A commission of one per cent (1%) of all moneys received in each receiver's office to be equally divided between the register and receiver; such commission will not be collected from the applicant, lessee or permittee, in addition to the moneys otherwise provided to be paid.

(c) It should be understood that the commission here provided for will not affect the disposition of the proceeds arising from operations under the act as provided in section 35 thereof; also that such commission will be credited on compensation of registers and receivers only to the extent of the limitation provided by law for maximum compensation of such officers.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved: March 11, 1920.

ALEXANDER T. VOGELSANG,
Acting Secretary.

An Act To promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

[Sections 2 to 8, inclusive, relate to coal.]

[Sections 9 to 12, inclusive, relate to phosphates.]

[Sections 13 to 20, inclusive, relate to oil and gas.]

OIL SHALE.

SEC. 21. That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this act, as he may prescribe; that no lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by

the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: *Provided further*, That not more than one lease shall be granted under this section to any one person, association, or corporation.

[Section 22 relates to Alaska oil claims.]

[Sections 23 to 25, inclusive, relate to sodium.]

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL,
OIL SHALE, AND GAS LEASES.

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this act appropriate provisions for its cancellation by him.

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this act, or which, together with

any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination ac-

cept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to

the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the

provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act.

Approved, February 25, 1920.

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DEPARTMENT OF THE INTERIOR

General Land Office - - Circular No. 672

REGULATIONS

CONCERNING

OIL AND GAS PERMITS AND LEASES

(INCLUDING RELIEF MEASURES)

AND

RIGHTS OF WAY FOR OIL AND GAS
PIPE LINES

Authorized by Act of February 25, 1920
(Public No. 146)

APPROVED MARCH 11, 1920



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

*Amended by
Circular 754, 676,
1094, 1111,
1115, 1158,
1290, 1316,
1552*

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OIL AND GAS REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 11, 1920.

REGISTERS AND RECEIVERS,
UNITED STATES LAND OFFICES.

SIRS: Under the authority of the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," the following rules and regulations are prescribed for the administration of the provisions of said act relative to oil and gas:

I.—OIL AND GAS PERMIT.

Section 13 of the act authorizes the Secretary of the Interior to grant a qualified applicant the exclusive right to prospect for oil or gas for the period of two years, unless extended, and under authority thereof the following rules and regulations will govern the issuance of such permits:

1. QUALIFICATIONS OF APPLICANTS.—Pursuant to section 1 of the act, permits may be issued to (a) a citizen of the United States; (b) an association of such citizens; (c) a corporation organized under the laws of the United States or of any State or Territory thereof, provided that no stockholders are citizens of nonreciprocating countries, as provided in section 1 of the act; or (d) a municipality.

2. LANDS TO WHICH APPLICABLE.—The permit thus issued may include not more than 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field, the lands applied for to be taken in a reasonably compact form, by legal subdivisions if surveyed, and in an approximately square or rectangular tract if unsurveyed, the length of which must not exceed two and one-half times its width.

Such leases may not include land or deposits in (a) national parks; (b) forests created under the act of March 1, 1911 (36 Stat., 961), known as the Appalachian Forest Reserve act; (c) lands in military or naval reservations; nor (d) Indian reservations, or (e) ceded or restored Indian lands, the proceeds from the disposition of which are credited to the Indians.

All permits or leases for the exploration for or development of oil or gas deposits under this act within the limits of national forests or other reservations or withdrawals to which this act is applicable shall be subject to and contain such conditions, stipulations and reservations as the Secretary of the Interior shall deem necessary for the protection of such forests, reservations or withdrawals, and the uses and purposes for which created.

The boundaries of the geological structures of producing oil or gas fields will be determined by the United States Geological Survey, under the supervision of the Secretary of the Interior, and maps or diagrams showing same will be placed on file in local United States land offices.

It should be understood that under the act, the granting of a prospecting permit for oil and gas is discretionary with the Secretary of the Interior, and any application may be granted or denied, either in part or in its entirety, as the facts may be deemed to warrant.

3. PERMITS OR LEASES FOR OTHER MINERALS.—The granting of a permit or lease for the development or production of oil or gas will not preclude other permits or leases of the same land for the mining of other minerals, under this act, with suitable stipulations for such joint operation, to the end that the full development of the mineral resources may be secured, nor will it preclude the allowance of applicable entries, locations, or selections of the lands included therein with a reservation of the mineral deposits to the United States.

4. FORM AND CONTENTS OF APPLICATION.—Applications for permits should be filed in the proper district land office, addressed to the Commissioner of the General Land Office, be suspended for 30 days to enable preference-right claims to be presented before action, and after due notation then forwarded for his consideration, with a full report as to status and conflicts. No specific form of application is required, and no blanks will be furnished, but it should cover, in substance, the following points, and be under oath:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant, by affidavit of such fact, if native born; or if naturalized, by a certified copy of the certificate of naturalization on the form provided for use in public-land matters, unless such a copy is already on file; if a corporation, by certified copy of the articles of incorporation; and evidence that none of its stockholders are citizens of another country the laws, customs, and regulations of which deny similar or like privileges to citizens or corporations of this country; if a municipality a showing of (1) the law or charter and procedure taken by which it has become a legal body corporate; (2) that the taking of a permit or lease is authorized under such law or charter; and (3) that the action proposed has been duly authorized by the governing body of such municipality.

(c) A statement that the applicant is not the holder of, and has no direct or indirect interest in, any other subsisting permit, and that he has no other application pending for a permit.

(d) Description of the land for which the permit is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case, if deemed necessary, a survey sufficient more fully to identify the land may be required before the permit is granted. In order to properly identify unsurveyed lands, great care should be taken, and if possible the metes and bounds description should be connected by course and distance with some corner of the public land surveys.

(e) Reasons why the land is believed to offer a favorable field for prospecting, together with the statement that to the best of applicant's knowledge and belief the land applied for is not within any known geological structure of a producing oil or gas field.

(f) Proposed method of conducting exploratory operations, which must be in accordance with approved methods of exploration, amount

of capital available for such operations, and the diligence with which such explorations will be prosecuted.

(g) Statement of the applicant's experience in operations of this nature, together with references as to his reputation and business standing.

(h) If the applicant is claiming a preference right as explained in the next succeeding section of these regulations, he should set up fully the facts upon which such preference right is based, together with a true copy of the posted notice.

(i) The application must be accompanied by a bond with qualified corporate surety, in the sum of \$1,000, conditioned against the failure of the permittee to repair promptly, so far as possible, any damage to the oil strata or deposits resulting from improper methods of operation. The penalty of the bond may be increased by the Secretary of the Interior when conditions warrant, particularly in relief cases.

5. PREFERENCE RIGHT, HOW SECURED.—A preference right over others to a permit may be obtained, under section 13 of the act, by—

(a) Erecting upon the land desired, subsequent to the approval of the act, a monument not less than 4 feet high, at some conspicuous place thereon, of such a size as to be visible to anyone who may be interested. The monument may be of iron, stone, or durable wood, not less than 4 inches square or in diameter, and must be firmly imbedded in the ground.

(b) Posting on or near said monument a notice stating that an application for permit will be made within 30 days after date of posting said notice, the notice to give the date and hour of posting, to be signed by the applicant, and give such a general description of the land to be covered by the permit, by reference to courses and distances from such monument and other natural objects and permanent monuments, as will reasonably identify the land. The area, approximately, must also be stated, and the notice must be so protected as to prevent its destruction by the elements. The preference right will exist for 30 days after the date of posting such notice, and if no application is filed within that time, the land will be subject to any other application for permit or to other disposal.

(c) In cases of conflict between a preference right application and one filed without any claim of preference, the priority of the initiation of the claim will govern, for example, the filing of a proper application in the land office prior to the posting of notice by another, as aforesaid, will give a prior right.

6. FORM AND REQUIREMENTS OF PERMIT.—A permit will confer upon the recipient the exclusive right to prospect for oil or gas upon the lands embraced therein, provided he complies with the terms thereof, which permit will be, in form and substance, substantially as follows:

THE UNITED STATES OF AMERICA.

DEPARTMENT OF THE INTERIOR.

General Land Office.

U. S. Land Office—
Serial Number—

Know all men by these presents, That the Secretary of the Interior, under and by virtue of the act of Congress entitled, "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved

February 25, 1920, has granted and does hereby grant a permit to _____ granting _____ the exclusive right for _____ years from date hereof to prospect for oil or gas, but for no other purpose, the following described lands: _____, upon the express conditions following:

1. To mark each of the corners of the claim within ninety days from date hereof with substantial monuments so that the boundaries can be readily traced on the ground, and post in a conspicuous place, upon the lands covered hereby, a notice that such a permit has been granted, and a description of the lands covered by this permit.

2. Within six months (two years in Alaska) from date hereof to instal upon some portion of the lands a substantial and adequate drilling outfit and to commence actual drilling operations.

3. Within one year (three years in Alaska) from date hereof to drill one or more wells, not less than 6 inches in diameter to a depth of at least 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered.

4. Within two years (four years in Alaska) from date hereof to drill one or more wells to a depth of at least 2,000 feet, unless valuable deposits of oil or gas shall be sooner discovered.

5. Not to drill any well within 200 feet of any of the outer boundaries of the lands covered by this permit unless the adjoining lands have been patented or the title thereto otherwise vested in private owners.

6. To carry on all operations hereunder in accordance with approved methods and practice; to use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by permittee to the oil sands or oil-bearing strata to the destruction or injury of the oil deposits, and to carry out, at the expense of the permittee, all reasonable orders of the Secretary of the Interior relative to prevention of waste and preservation of property, and to comply with such regulations as may be issued by the Secretary of the Interior as to methods of operation.

7. To furnish and maintain during the period of this permit a bond with qualified corporate surety, in the sum of \$_____, conditioned against the failure of the permittee to repair promptly, so far as possible, any damage to the oil strata or deposits resulting from improper methods of operation.

8. That this permit is granted upon the express condition that the right is reserved to the Secretary of the Interior to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands covered hereby, as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in the act under which this permit is granted.

9. The granting of this permit shall not preclude the allowance of entry, location, or selection of any of the lands included therein, where such entry, selection, or location is made with a reservation of the mineral deposits to the United States.

10. That until this permittee shall apply for a lease to one-quarter or more of the area included herein, he shall pay to the United States 20 per cent of the gross value of all oil or gas secured by him from the lands and sold or otherwise disposed of, or held by him for sale or other disposition.

11. The Secretary of the Interior reserves the right and authority to cancel this instrument for failure of the permittee to comply with any of the conditions enumerated herein or to exercise due diligence in the work of development.

Valid rights existing at the date of this permit will not be affected thereby.

Dated this _____ day of _____ 19____.

Secretary of the Interior.

7. EXTENSION OF LIFE OF PERMIT.—If for any good reason the permittee is unable, with the exercise of diligence, to test the land within two years, application for extension for not to exceed two years may be filed within the life of the permit, and must be accompanied by a showing under oath, corroborated, as to the causes that make such extension necessary, and as to what efforts have been made to comply with the condition of the permit; ordinarily no extension will be granted in the absence of the minimum amount of

drilling required by the permit. This application should be addressed to the Secretary of the Interior, and be filed either in the district land office or in the General Land Office. This privilege is not applicable to Alaska.

8. REWARD FOR DISCOVERY.—Upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in the permit, within the period of the permit or extension thereof, the permittee is entitled (a) to a lease of one-fourth of the land included in the permit, on a royalty of 5 per cent, or for at least 166 acres if there be that area in the permit; (b) to a preference right to a lease for the remainder of the land covered by his permit at such royalty as may be fixed by the Secretary of the Interior, not less than $12\frac{1}{2}$ per cent in amount or value of the production, or the Secretary may, in his discretion, offer said land for lease at a royalty to be determined by competitive bidding, the preference right claimant to have the refusal of a lease at a royalty equivalent to that offered by the highest responsible bidder.

9. PENALTY FOR DEFAULT.—The permit will be subject to cancellation by the Secretary of the Interior for failure of the permittee to comply with any of the conditions enumerated therein or to exercise due diligence in the work of development.

In the absence of discovery of oil or gas within the period of the permit, or extension thereof, the permit will thereupon terminate and the lands or deposits will automatically revert to their original status, but the land will continue segregated pending action by the Land Department on any application for extension that is timely filed.

10. PERMITS IN ALASKA.—The foregoing rules and regulations generally will apply to permits in Alaska, under section 13 of the act, but with some modifications, viz:

(a) A person, association, or corporation is authorized to hold five permits at one time in said territory, and subdivision (c) of section 4 of these regulations is not applicable. The applicant must show, in lieu thereof, that he does not hold an interest in more than four permits or leases in Alaska.

(b) The preference right treated under section 5 of these regulations extends for a period of six months after the erection of monument and posting of notice provided for therein, and the period for marking of the corners is extended to one year after the granting of the permit.

(c) The time for exploratory work in Alaska is four years, instead of two, and there is no provision for extension of such period. The various items necessary in this exploratory work are set forth in the form of permit herein provided, the Alaskan period being included in parentheses, after the period prescribed in the States.

11. PERMITS FOR RESERVED DEPOSITS.—The deposits of oil and gas in all lands for which a patent has issued with a reservation of the oil and gas to the United States, subject to the preference right, if any, explained in the next succeeding section hereof, may be included in a permit under the provisions of this act, conditioned upon the permittee filing with the Secretary of the Interior a satisfactory bond or undertaking as security for the payment of all

damages to crops and improvements on such lands by reason of prospecting, as required by the act of July 17, 1914 (38 Stat., 509).

12. PREFERENCE RIGHT TO OWNER OF SURFACE.—A preference right to a permit is given to an owner of the land with a reservation of the oil deposits to the United States, under the following conditions: (a) The land must have been withdrawn or classified as oil or gas lands; (b) entry must have been bona fide and made prior to such withdrawal or classification; (c) land must have been patented prior to the date of the act with a mineral reservation to the United States; (d) in case of an assignment, the land must have been transferred or assigned prior to January 1, 1918.

(a) Should an application for permit for such lands be filed by a person other than the owner of the land, the applicant will be required to serve personal notice of such application upon the owner or owners of the land so patented, with a warning therein that if said owner desires to exercise his preference right, if any, to a permit, he must file within 30 days his application therefor in the proper local land office. The applicant must furnish evidence of the service of notice on the owner and evidence that the party served is the owner of the land involved, either by his affidavit, duly corroborated, or by certificate of the officer in whose office transfers of real property are to be recorded.

(b) The preference-right applicant must show that he is entitled under the section above outlined, together with his qualifications to hold a permit as previously set forth in these regulations, and if such an application be filed, the Secretary of the Interior will award the permit to the party entitled thereto.

(c) The preference right of those owning lands coming within the provisions hereof will exist until exercised by the claimant or until an adverse application has been filed, due notice given in accordance with these regulations, and the permit awarded to one or the other of the applicants.

(d) Any claimants to lands of this character may combine their holdings for the purpose of making joint application for a permit, provided the aggregate area does not exceed 2,560 acres and that all the lands for which application is made are within an area of 6 miles square, or within the same township.

(e) The right of a permittee under a preference-right permit to a lease after discovery is governed by other provisions of the act, as set forth in section 8 of these regulations.

II.—OIL AND GAS LEASES.

13. DESIGNATION AND OFFER OF LANDS FOR LEASE.—Pursuant to the provisions of section 17 of the act, the unappropriated deposits of oil or gas situated within known geologic structures of producing oil or gas fields, and the lands containing same, will be divided into leasing blocks or tracts in areas not exceeding 640 acres each, and not exceeding in length two and one-half times their width, and offered for lease at a stated royalty by competitive bidding to the highest responsible bidder having the qualifications prescribed by section 15, paragraph (a), hereof.

14. NOTICE OF LEASE OFFER.—Notice of the offer of lands for lease will be given by publication in a newspaper of general circulation in

the county in which the lands or deposits are situated for a period of 30 days; such notice will state the day and hour on which the offering will be made at public auction at the United States land office of the district in which the lands are situated, to the qualified bidder offering the highest bonus for the lease at the stated rental and royalty. Copy of the notice will be posted in said local office during the period of publication. This notice will be published at the expense of the Government. All bidders at any such auction are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909, prohibiting unlawful combination or intimidation of bidders.

15. AUCTION OF LEASE.—At the time fixed in the notice, the register or receiver will, by public auction, offer the land for lease on the terms and conditions as to payments of royalties and rents fixed in the notice, to the qualified bidder of the highest amount offered as a bonus for the privilege of leasing the land. The successful bidder must deposit with the receiver on the date of the sale, certified check on a solvent bank, or cash, for one-fifth the amount bid by him, which payment the receiver will credit to "Trust funds—Unearned moneys." At the time of such payment, the successful bidder will also file the requisite showing of his qualifications to receive a lease, which shall include the following:

(a) Proof of citizenship of applicant; by affidavit of such fact, if native born, or if naturalized, by certified copy of the certificate of naturalization, on the form provided for use in public land matters, unless such copy is already on file; if a corporation, by certified copy of the articles of incorporation and evidence that none of its stockholders are citizens of another country, the laws, customs, and regulations of which deny similar or like privileges to citizens or corporations of this country.

(b) The affidavit of the bidder or the affidavit of one of the officers of a corporate bidder that the bidder does not hold another lease in the geologic structure of the same producing oil or gas field, nor more than two leases, or a lease and a permit, in the State, except under sections 18, 18a, 19, and 22 of the act; and also that the acceptance of the lease by such successful bidder will not be in violation of the provisions of section 27 of the act relative to excess holdings by individuals or corporations.

The register and receiver will thereupon transmit such showing, together with a report of the proceedings had at the auction, by special letter to the Commissioner of the General Land Office.

16. AWARD OF LEASE.—On receipt of the report of the auction from the register and receiver, the Secretary of the Interior will take action thereon, and either award the lease to the successful bidder or reject same, notice of which will be forthwith transmitted to the bidder through the local office. If the lease shall be awarded, the notice will be accompanied by copies of leases for execution by the lessee, who shall, within 30 days from receipt of such notice, execute said lease in triplicate, and pay to the receiver the balance of the bonus bid by him, together with the first year's rental, and also cause to be filed in the land office the bond required by section 2 (a) of the lease; in lieu of such bond, Liberty bonds will be taken at par in the amount of the bond, as provided in the act of February 24, 1919 (40 Stat., 1148). If the bid be rejected, the receiver will

return, by his official check, the deposit made at the auction. In case of the award of a lease and failure on the part of the bidder to execute same, and otherwise comply with the applicable regulations, the deposit made will be considered forfeited and disposed of as other receipts under this act.

17. FORM OF LEASE.—The lease referred to in the preceding sections will be in form and substance, substantially as follows:

U. S. Land Office _____
Serial No. _____

DEPARTMENT OF THE INTERIOR.

Lease of oil and gas lands under the act of February 25, 1920.

Date—Parties.—This indenture of lease entered into, in triplicate, this _____ day of _____ A. D., 19____, by and between the United State of America, acting in this behalf by the Secretary of the Interior, party of the first part, hereinafter called the lessor, and _____ of _____, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved February 25, 1920, Public No. 146, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," hereinafter referred to as the act, which is made a part hereof, witnesseth:

SECTION 1. Purposes.—That the lessor in consideration of rents and royalties to be paid, and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to drill for, mine, extract, remove, and dispose of all the oil and gas deposits in or under the following described tracts of land situated in the county of _____, State of _____, and more particularly described as follows: _____ containing _____ acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, roads, telegraph or telephone lines, pipe lines, reservoirs, tanks, pumping stations, or other structures necessary to the full enjoyment hereof, for a period of 20 years, with the preferential right in the lessee to renew this lease for successive periods of 10 years, upon such reasonable terms and conditions as may be prescribed by the lessor, unless otherwise provided by law at the time of the expiration of such periods.

Sec. 2. In consideration of the foregoing, the lessee hereby agrees:

(a) *Bond.*—To furnish a bond with approved corporate surety in the penal sum of \$5,000, conditioned upon compliance with the terms of the lease.

(b) *Commence drilling.*—The lessee agrees, within three months from delivery of executed lease, to proceed with reasonable diligence to install on the leased ground a standard or other efficient drilling outfit and equipment, and to commence drilling at least one well, and to continue such drilling with reasonable diligence to production, or to a point where the well is demonstrated unsuccessful, and thereafter to continue drilling with reasonable diligence at least one well at a time until the lessee shall have drilled wells equal in number to the number of forty-acre tracts embraced in the leased premises, unless the lessor shall, for any reason deemed sufficient, consent in writing to the drilling of a less number of wells; the lessee further agrees to drill all necessary wells fairly to offset the wells of others on adjoining land or deposits not the property of the United States.

(c) *Royalty and rents.*—To pay the lessor in advance, beginning with the date of the execution of this lease, a rental of one dollar per acre per annum during the continuance hereof, the rental so paid for any one year to be credited on the royalty for that year, and, in addition to such rental, a royalty of _____ per cent of the value of oil or gas produced from the land leased herein (except oil or gas used for production purposes on said lands or unavoidably lost), or, on demand of the lessor, _____ per cent of the oil or gas produced (except oil or gas used for production purposes on said lands, or unavoidably lost), in which case credit for rent shall be on the basis of the current field price of oil, the royalty, when paid in value, to be due and payable monthly on the 15th of each month following the month in which produced, to the receiver of public moneys of the proper land district; and when paid in kind, to be delivered in the field where produced at such times, and in such manner as may be required by the lessor; such royalties, whether in value or kind, shall be

subject to reduction whenever the average daily production of any oil well shall not exceed ten barrels per day, if in the judgment of the lessor the wells can not be successfully operated upon the royalties fixed herein.

(d) *Sales contract.*—Not to sell or otherwise dispose of any of the oil or gas produced hereunder, except for production purposes on the land leased, other than under and in accordance with a sales contract or other method, that shall first be approved by the Secretary of the Interior.

(e) *Monthly statement.*—To furnish monthly statements in detail in such form as may be prescribed by the lessor, showing the amount and value of all oil and gas produced and saved during the preceding calendar month as the basis for computing the royalty due the lessor. The leased premises and all wells, improvements, machinery, and fixtures thereon or connected therewith and all books and accounts of the lessee shall be open at all times for the inspection of any duly authorized officer of the Department.

(f) *Plats and reports.*—To furnish annually, and at such other time as the Secretary shall require, in the manner and form prescribed by the Secretary of the Interior, a plat showing all development work and improvements on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, accompanied by a report in detail as to the stockholders, business transacted, investment, depreciation, cost of operation, assets, and liabilities of the lessee, together with a statement as to the amount and grade of oil and gas produced and sold, amount received therefor, and the amount in storage by operations hereunder.

(g) *Log of wells.*—To keep a log in the form prescribed by the Secretary of all the wells drilled by the lessee, showing the strata and character of the ground passed through by the drill, which log, or copy thereof, shall be furnished to said lessor on demand.

(h) *Diligence—Prevention of waste—Health and safety of workmen.*—To exercise reasonable diligence in drilling and operating wells for the oil and gas on the lands covered hereby, while such products can be secured in paying quantities, unless consent to suspend operations temporarily is granted by the Secretary of the Interior; to carry on all operations hereunder in a good and workmanlike manner in accordance with approved methods and practice, having due regard for the prevention of waste of oil or gas developed on the land, or the entrance of water through wells drilled by the lessee to the oil sands or oil-bearing strata to the destruction or injury of the oil deposits, the preservation and conservation of the property for future productive operations, and to the health and safety of workmen and employees; to plug securely any well before abandoning the same so as to effectually shut off all water from the oil or gas bearing strata; not to drill any well within 200 feet of any of the outer boundaries of the lands covered hereby, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners; to conduct all mining, drilling, and related productive operations subject to the inspection of the lessor; to carry out at expense of the lessee all reasonable orders and requirements of lessor relative to prevention of waste, and preservation of the property and the health and safety of workmen, and on failure so to do the lessor shall have the right to enter on the property to repair damage or prevent waste at the lessee's cost; to abide by and conform to regulations in force at the time the lease is granted covering the matters referred to in this paragraph.

(i) *Taxes and wages—Freedom of purchase.*—To pay when due, all taxes lawfully assessed and levied under the laws of the State upon improvements, oil, and gas produced from the lands hereunder, or other rights, property, or assets of the lessee; to accord all workmen and employees complete freedom of purchase, and to pay all wages due workmen and employees at least twice each month in the lawful money of the United States.

(j) *Reserved deposits.*—To comply with all statutory requirements and regulations thereunder, if the lands embraced herein have been or shall hereafter be disposed of under laws reserving to the United States the deposits of oil and gas therein, subject to such conditions as are or may hereafter be provided by the laws reserving such oil or gas.

(k) *Excess holdings.*—To observe faithfully the provisions of section 27 of the act defining the interest or interests that may be taken, held, or exercised under leases authorized by said act.

(l) *Assignment of lease.*—Not to assign this lease or any interest therein, nor sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior first had and obtained.

(m) *Deliver premises in case of forfeiture.*—To deliver up the premises leased, with all permanent improvements thereon, in good order and condition in case of forfeiture of this lease.

SEC. 3. The lessor expressly reserves:

(a) *Rights reserved—Easements and rights of way.*—The right to permit for joint or several use such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same or of other lands containing the deposits described in said act, and the treatment and shipment of products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) *Disposition of surface.*—The right to lease, sell, or otherwise dispose of the surface of the lands embraced within this lease under existing law or laws hereafter enacted in so far as said surface is not necessary for the use of the lessee in the extraction and removal of the oil and gas therein.

(c) *Pipe lines to convey at reasonable rates.*—The right to require the lessee, his assignee, or beneficiary, if owner, or operator, or owner of a controlling interest in any pipe line, or any company operating the same which may be operated accessible to the oil derived from lands under such lease, to accept and convey at reasonable rates and without discrimination the oil of the Government or of any citizen or company, not the owner of any pipe line, operating a lease or purchasing oil or gas under the provisions of this act.

(d) *Monopoly and fair prices.*—Full power and authority to carry out and enforce all the provisions of section 30 of the act, to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, to prevent monopoly, and to safeguard the public welfare.

(e) *Helium.*—Pursuant to section 1 of the act, the lessor reserves the right to take all helium from any gas produced under this lease, but the lessee shall not be required to extract and save the helium for the lessor; in case the lessor elects to take the helium, the lessee shall deliver all gas containing same, or portion thereof desired, to the lessor in the manner required by the lessor, for the extraction of the helium in such plant or reduction works for that purpose as the lessor may provide, whereupon the residue shall be returned to the lessee with no substantial delay in the delivery of gas produced from the well to the purchaser thereof; *provided*, that the lessee shall not, as a result of the operation in this section provided for, suffer a diminution in value of the gas from which the helium has been extracted, or loss otherwise, for which the lessee is not reasonably compensated, save for the value of the helium extracted; the lessor further reserves the right to erect, maintain, and operate any and all reduction works and other equipment necessary for the extraction of helium on the premises leased.

SEC. 4. *Surrender and termination of lease.*—The lessee may, on consent of the Secretary of the Interior first had and obtained in writing, surrender and terminate this lease upon the payment of all rents, royalties, and other obligations due and payable to the lessor, and upon payment of all wages and moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made full provision for conservation and protection of the property; upon like consent had and obtained the lessee may surrender any legal subdivisions of the area included herein.

SEC. 5. *Purchase of materials, etc., on termination of lease.*—Upon the expiration of this lease, or the earlier termination thereof pursuant to the last preceding section, the lessor or another lessee may, if the lessor shall so elect within six months from the termination of the lease, purchase all materials, tools, machinery, appliances, structures, and equipment placed in or upon the land by the lessee, on the payment to the lessee of such sum as may be fixed as a reasonable price therefor by a board of three appraisers, one of whom shall be chosen by the lessor, one by the lessee, and the other by the two so chosen; pending such election all equipment shall remain in normal position. If the lessor, or another lessee, shall not, within six months, elect to purchase all of such materials, tools, machinery, appliances, structures, and equipment, or shall elect to purchase only a part thereof, the lessee shall have the right at any time within 90 days to remove from the premises herein all of the said materials, tools, machinery, appliances, structures, and equipment, or such part thereof as the lessor, or other lessee, may not have elected to purchase, save and except casing in wells and other equipment or apparatus necessary for the preservation of the well or wells.

SEC. 6. *Judicial proceedings in case of default.*—If the lessee shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at the date hereof, and such default shall continue after service of written notice thereof by the lessor, then the lessor may institute appropriate judicial proceedings for the forfeiture and cancellation of this lease in accordance with the provisions of section 31 of said act; but this provision shall not be construed to prevent the exercise by the lessor of any legal or equitable remedy which the lessor might otherwise have. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 7. *Heirs and successors in interest.*—It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 8. *Unlawful interest.*—It is also further agreed that no Member of, or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat., 1109), relating to contracts enter into and form a part of this lease so far as the same may be applicable.

In witness whereof

THE UNITED STATES OF AMERICA,

By _____ [L. S.]

Witness:

_____ [L. S.]

III.—RELIEF MEASURES.

Sections 18, 19, and 22 of the act provide for the "relief," so-called, of certain defined claimants of oil and gas lands, who at date of the act had not perfected their claims under the preexisting mining laws, and are prevented from doing so by withdrawal of the land or by this act.

18. CONDITIONS FOR RELIEF UNDER SECTION 18:

(a) That the land claimed must have been included in the Executive order of withdrawal of September 27, 1909, and must have remained so withdrawn.

(b) That the claim must have been initiated under the placer mining laws prior to July 3, 1910, and claimed and possessed continuously from that time.

(c) That claimant's interest in the land must have been acquired prior to September 1, 1919, except lands acquired by exchanges made prior to the 1st day of January, 1920, which did not increase or reduce the acreage held or claimed in excess of the maximum by either party.

(d) That claimant or predecessors must have drilled an oil or gas well on the land to discovery.

(e) That all conflicting claims initiated prior to July 1, 1919, must have been disposed of, as provided in section 28 hereof or otherwise.

(f) That no claimant who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who

has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

(g) That all parties having an interest in the claim by stock ownership, stock holding or stock control, must be citizens of the United States, or of a country, the laws, customs, or regulations of which do not deny like or similar privileges to citizens or corporations of the United States.

(h) That claimant must, on or before August 25, 1920, file a relinquishment to the United States of all right, title, and interest in and to the land, together with an application for a lease. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

(i) That claimant must pay for one-eighth of the value at the time of production of all oil and gas produced prior to date of filing relinquishment and application for relief, exclusive of oil and gas used on the land for production purposes, or unavoidably lost.

19. RELIEF THAT MAY BE GRANTED UNDER SECTION 18:

(a) *Lands not in naval petroleum reserves.*—A qualified claimant, upon complying with the provisions of the act and these regulations, will be entitled to a 20-year lease from the United States, commencing and effective as of the date of filing relinquishment and application for relief, substantially in the form prescribed in section 17 hereof, at a royalty to be fixed by the Secretary of the Interior, but not less than $12\frac{1}{2}$ per cent of all oil and gas produced exclusive of that used for production purposes on the claim, or unavoidably lost. There is, however, a limitation placed by the act upon the acreage that may be included in such lease. If the geologic oil or gas structure of the producing field in which the claim is situated does not exceed 640 acres in area the lease may include the entire area if covered by the claim; but if the area of such structure exceeds 640 acres the act provides that not more than one-half of the area, same to be selected by the claimant but in no case to exceed 3,200 acres, may be leased to any one claimant.

(b) *Lands in naval petroleum reserves.*—If the land claimed is within a naval petroleum reserve the claimant will be entitled to lease only the producing wells on the claim, together with an area of land sufficient for the operation of such wells, upon a royalty to be fixed by the Secretary of the Interior but not less than $12\frac{1}{2}$ per cent of the production except that used for production purposes on the claim or unavoidably lost. The act forbids the drilling of any wells in lands subject to this provision within 660 feet of the leased wells without the consent of the lessee. It further provides that the President may, in his discretion, lease the remainder or any part of the claim on which such wells have been drilled, and in the event of such leasing the claimant shall have a preference to such lease. The President may also permit the lessee of any well to drill additional wells within the limited area of 660 feet upon such terms and conditions as he may prescribe. These terms and conditions can not be prescribed here, but will be determined on the merits in each separate case.

(c) *Royalties.*—The royalties payable under leases granted pursuant to section 18 of this act are hereby determined and prescribed as follows:

For all oil of 30 degrees Baumé or over, upon each claim on which the wells average 200 barrels or more per day per month, $33\frac{1}{4}$ per cent; upon each claim on which the wells average from 100 to 200 barrels per day per month, 25 per cent; upon each claim on which the wells average from 50 to 100 barrels per day per month, 20 per cent; upon each claim on which the wells average from 20 to 50 barrels per day per month, $16\frac{2}{3}$ per cent, and upon each claim on which the wells average less than 20 barrels per day per month, $12\frac{1}{2}$ per cent.

For all claims producing oil of less than 30 degrees Baumé, upon each claim on which the wells average 200 barrels or more per day per month, 25 per cent; on each claim on which the wells average 100 to 200 barrels per day per month, 20 per cent; upon each claim on which the wells average from 50 to 100 barrels per day per month, $16\frac{2}{3}$ per cent; upon each claim on which the wells average from 20 to 50 barrels per day per month, $14\frac{2}{7}$ per cent, and upon each claim on which the wells average less than 20 barrels per day per month, $12\frac{1}{2}$ per cent.

The royalties on gas produced, if any, will be fixed and determined in each lease.

20. CONDITIONS FOR RELIEF UNDER SECTION 19:

A. *For permit.*—(a) That the land must not be in a naval petroleum reserve.

(b) That applicant must have been an occupant or claimant of the land on October 1, 1919, under a claim initiated under the placer mining laws by him or his predecessor when the land was not withdrawn.

(c) That claimant, by himself or predecessor in interest, must have performed all acts under the preexisting laws necessary to valid locations, except to make discovery.

(d) That prior to February 25, 1920, claimant must have performed work or expended on or for the benefit of such locations an amount equal in the aggregate to \$250 for each location.

(e) That no claimant who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

(f) That all parties having an interest in the claim by stock ownership, stock holding, or stock control, must be citizens of the United States or of a country the laws, customs, or regulations of which do not deny like or similar privileges to citizens or corporations of the United States.

(g) That claimant must, on or before August 25, 1920, file a relinquishment to the United States of all right, title, and interest in and to the land, together with an application for a permit. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

B. *For lease.*—The conditions necessary to obtaining a lease under section 19 of the act are identical with those outlined in paragraphs

(a), (b), (e), (f), and (g), for permits, together with the following additional conditions:

(a) That claimant must have made a discovery of oil or gas on or before February 25, 1920.

(b) That claimant must not be entitled to relief on the land in question under section 18 of the act.

(c) That claimant must pay for one-eighth of the past production up to date of filing application for relief, exclusive of that used on the land for production purposes or unavoidably lost.

21. RELIEF THAT MAY BE GRANTED UNDER SECTION 19:

(a) A claimant qualified under the above conditions relating to permits, upon complying with the provisions of the act and these regulations, will be entitled to a prospecting permit upon the same terms, conditions, and limitations as to acreage, as other permits provided for in the act, substantially in form prescribed in section 6 hereof. Only one permit for not exceeding 2,560 acres will be granted to the same person, association, or corporation; hence all claims for relief in the form of a permit should be embraced in a single application.

(b) A claimant qualified under the above conditions relating to leases is entitled to a 20-year lease from the United States, effective from date of filing application for relief, substantially in the form prescribed in section 17 hereof, the royalty to be fixed by the Secretary of the Interior, but such royalty may not be less than 12½ per cent of all oil and gas produced exclusive of that used for production purposes on the land or unavoidably lost. In the event the land is in the geologic structure of proven territory at the time of granting the permit under this section, the royalty required under the lease based thereon shall not be less than 12½ per cent, but if at the time the permit is granted the land is not in proven territory, the amount of royalty will be governed by the general terms of the act as set out in section 14 thereof.

22. ALASKA CLAIMS—CONDITIONS FOR RELIEF UNDER SECTION 22:

A. *For permit.*—(a) That claimant must have been an occupant or claimant of the land on February 25, 1920, under a claim initiated under the placer mining laws by claimant or predecessors prior to November 3, 1910, the date of the Executive order withdrawing all public lands in Alaska containing petroleum deposits, including those in national forests.

(b) That claimant must have performed all acts prior to November 3, 1910, under the then existing laws necessary to valid locations except to make discovery.

(c) That claimant, (1) prior to November 3, 1910, must have made substantial improvements for the discovery of oil or gas on or for each location, or (2) prior to February 25, 1920, expended not less than \$250 in improvements on or for the benefit of each location.

(d) That claimant must on or before February 25, 1921, or within six months after final denial or withdrawal of application for patent, file a relinquishment to the United States of all right, title, and interest in and to the land, executed in the usual form. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

In addition to the above, the conditions outlined in paragraphs (f) and (g) of sections 20 hereof, are applicable to relief in Alaska.

B. FOR LEASE.—The conditions necessary to obtaining a lease under section 22 of the act are identical with those outlined in the paragraphs relating to permits in Alaska together with the following additional conditions:

(a) That claimant or predecessors must have drilled an oil or gas well on the land to discovery.

(b) That claimant must pay for one-eighth of the past production exclusive of that used on the land for production purposes or unavoidably lost.

23. ALASKA CLAIMS—RELIEF THAT MAY BE GRANTED UNDER SECTION 22:

(a) A claimant qualified under the above conditions relating to permits, upon complying with the conditions of the act and these regulations will be entitled to prospecting permits under the same terms and conditions as other permits in Alaska provided for in section 13 of the act, substantially in the form prescribed in section 6 hereof.

(b) A claimant qualified under the above conditions relating to leases is entitled to a lease substantially in the form prescribed in section 17 hereof, the rental and royalty to be fixed by the Secretary of the Interior and specified in the lease, subject to readjustment at the end of each 20-year period of the lease.

(c) Only five permits or leases in the aggregate may be held at any one time by any claimant, and not more than 1,280 acres may be included in one permit under section 22 of the act.

24. BENEFICIARIES UNDER LEASES OR PERMITS.—All leases or permits under sections 18, 19, and 22 shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject to the same limitations as to area and acreage as is provided for claimant, but such persons will not necessarily be made parties to Government leases, and may assert their rights in the courts. Disputes of this character are not to be confused with adverse claims based upon independent title, hereinafter referred to. (See section 28 hereof.)

25. FORM AND CONTENTS OF APPLICATION.—No set forms of application for a lease under sections 18, 19, or 22, or a permit under sections 19 and 22 of the act can be prescribed because the facts and circumstances pertaining to claims for relief are so varied. Applications for such leases or permits must be made under oath and the supporting documents and papers certified or under oath so far as practicable. The application, with all the accompanying papers, should be filed in the United States land office of the district in which the land is situated. Applications and supporting papers need not be executed in duplicate, but one complete copy of each application and supporting papers (except abstract of title) should be filed with the application, which copy will be transmitted by the register and receiver to the Chief of Field Division and notation to that effect made on the original. The application should contain full information as to the facts upon which the applicant relies for relief, covering the following points and such additional matters as may, from

the peculiar facts in the case, be material in the establishment of his claim under the law:

(a) *Date of application for lease or permit.*

(b) *Applicant's name and post-office address.*

(c) *Description of land.*—The land for which the application is made must be described by legal subdivisions of section, township, and range, if surveyed; if not surveyed, then by metes and bounds and courses and distances from some permanent monument. If the application is for a lease of unsurveyed land, the applicant, after he has been awarded the right to a lease, but before issuance thereof, will be required to deposit with the United States surveyor general of the State in which the land is situated the estimated cost of making a survey of the land, the balance, if any, after the survey is completed to be returned.

(d) *Origin and basis of applicant's claim for relief.*—The applicant must bring his claim clearly within all the requirements of the act as specifically pointed out in sections 18, 20, and 22 of these regulations. Every application must be supported by a duly certified abstract of title to the land, brought up to the date of filing the application. In the event an abstract of title is already on file in the Land Department, a supplemental abstract extending over the period or periods not covered by the former, may be furnished, and if furnished will be considered in connection with the abstract already on file. If any fraud has been committed in connection therewith, then a full affirmative showing must be made by the applicant to the effect that he has not been a party to such fraud, and that he has not been guilty of any fraud or had knowledge of fraud or reasonable grounds to know of any fraud in connection with his claim. If an application for patent has been filed, a brief résumé of the actions taken thereon should be stated. If the land is or has been involved in litigation in the courts, to which the United States is a party, the status or result of such litigation should be furnished.

(e) *Particulars as to conflicting claims or interests.*—All conflicting or disputed claims, if any, to the land or production therefrom, specifying the character and extent of such interests, must be shown.

(f) *Discovery.*—Before a lease may be awarded under the relief sections of the act it must be satisfactorily shown that the applicant or his predecessors have drilled a well to a substantial and certain discovery of oil or gas in a producing stratum on the land covered by the location under which the applicant is asserting his claim.

(g) *Wells, improvements, and production.*—With each application for a lease under sections 18, 19, or 22 of the act there must be filed a complete and detailed statement showing the number, depth, condition, and present daily production of all wells drilled on the land by the applicant and his predecessors in interest, and the nature and extent of all other improvements placed thereon by them.

With each application for a permit under sections 19 or 22 of the act, a description of the work performed and improvements made upon or for the benefit of the location by the applicant and his predecessors must be filed, together with an itemized statement of the cost thereof. If the application is made under section 22, the date the work was performed or the improvements made must also be shown.

In either case applicant must show the position of all wells and improvements by courses and distances from the nearest corner of the public land survey, if the land is surveyed; if not surveyed, then from a corner of the claim. This may be shown by means of a diagram.

(h) *Amount and value of past production.*—Claimant must furnish a complete detailed statement, by months, of all past production from the land, up to the date of filing the application and relinquishment, showing (1) the grade and total quantity of oil and gas produced; (2) the amount sold or otherwise disposed of, to whom sold, and the selling price or other consideration received therefor; (3) a statement of the grade and amount of any and all such production held in storage, when produced, and the value at time of production; and (4) the amount consumed for production purposes on the land, or unavoidably lost.

The statement of sales should be corroborated by the purchasers. Copies of any and all contracts under which oil or gas produced from the land has been or is being sold or otherwise disposed of must be furnished.

(i) *Investment and cost of operation.*—The applicant should make a full showing as to (1) the actual cost of wells, improvements, and equipment for the development of and operation upon the land; (2) the present value of such wells, improvements, and equipments; and (3) the present cost of operation.

(j) *Interest in other leases and permits.*—The applicant will also furnish a complete statement of all lands for which he has filed application for lease or permit under sections 18, 19, and 22 of the act, and of such lands as are included in other applications in which he has any direct or indirect interest, together with a full disclosure of such interest by stock ownership or otherwise. If the applicant is a corporation, a certified copy of its articles of incorporation must be furnished, and a full disclosure made of the ownership of its stock, whether such stock is owned, held, or controlled directly or indirectly by any other person or corporation, who or which is an applicant for or a holder of a lease under said sections, and, in the event of such ownership, a description of the legal subdivisions of all the lands affected thereby is required. In the event the lands so affected are not surveyed they may be described by the usual method of courses and distances and acreage.

(k) *Limitation of area.*—The application should show that the area applied for together with any other areas for which the applicant has made application for a lease or permit or in which he is directly or indirectly interested, is not in excess of the limitations provided in sections 18, 19, or 22 of the act, as the case may be, as to the maximum area that may be leased to any one person or corporation within the same geologic oil or gas structure. (See secs. 19, 21, and 23 hereof.) The boundaries of the geologic structures of the various producing fields will be determined and announced by the United States Geological Survey under supervision of the Secretary of the Interior and such information will be placed on file in all United States land offices.

26. *PAYMENT OF ROYALTY ON PAST PRODUCTION.*—The application must be accompanied by a certified check in the amount of one-eighth of the gross value of all oil and gas produced and sold or held

in storage, as per the statement required in paragraph 25 (h). All such sums will be held by the receiver in his account of "Trust Funds—Unearned Moneys" to await instructions as to their disposition. In lieu of the certified check herein required, the applicant may be permitted to deposit a bond by approved surety company in an amount not less than one-eighth of the estimated gross value of all oil and gas produced and sold or held in storage, securing the payment to the United States within thirty days from the award of the lease of the cash value of the past production due the United States under this act. In cases where the proceeds, or part thereof, of such past production have been deposited in escrow, pursuant to operating agreements under the act of August 25, 1914 (38 Stat., 708), or where in suits brought by the Government affecting such lands the proceeds of production, or part thereof, have been impounded in the custody of receivers, a formal tender may be made of the funds so held in escrow or impounded to the extent available or in the amount necessary, as the case may be, in lieu of such cash payment. In such cases the interest accumulating on such escrowed or impounded moneys after the tender is made will go to the Government.

Operating contracts made under the provisions of the act of August 25, 1914, supra, and in operation at the time of such tender, will not be terminated until the entire transaction of granting a lease and payment of royalty on past production shall have been consummated; nor will the Department of Justice be requested to dismiss any suits involving the land affected until the application for a lease has been adjudicated and approved; whereupon, after the suit has been dismissed and the impounded money tendered paid over to the Government, the lease will be executed and delivered.

27. PUBLICATION OF NOTICE.—Immediately upon the filing of an application for a lease or permit under sections 18, 19, or 22 of the act, the register and receiver will cause to be published, at the expense of the applicant, in a newspaper designated by the register, published in the vicinity of the land and most likely to give notice to the general public, a notice of the said application in substantially the following form:

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

Notice is hereby given that _____ of _____, 19____, has applied for an oil and gas _____ under section _____ of the act of February 25, 1920 (Public, No. 146), for _____ section _____, township _____ of range _____, _____ meridian, _____ County, State of _____. Any and all persons having adverse or conflicting claims to said land are hereby notified that a full statement, under oath, of such claim should be filed in this office together with an application showing a superior right to a permit or lease under said act or in lieu of such application, a showing of a valid existing adverse or conflicting claim to the land or the minerals therein under the public land laws, on or before _____; otherwise such claim may be disregarded in granting the permit or lease applied for.

Register.

The register and receiver will fix a date in the notice on or before which adverse or conflicting claims may be asserted, which date should be not less than 30 nor more than 40 days after the date of first publication of the notice.

Such notice will be published in the regular issue and not in any supplement of the newspaper, once each week for a period of five consecutive weeks if in a weekly paper, or if in a daily paper for a period of 30 days. The register and receiver will post a copy of said notice in a conspicuous place in their office during the period of publication.

Upon the applicant's furnishing satisfactory proof of such publication, but not earlier than the day following that set in the published notice on or before which adverse or conflicting claims were to be filed, the register and receiver will transmit by special letter all papers in the case including any adverse or conflicting claims that may have been filed, together with proof of posting said notice in their office, to the Commissioner of the General Land Office.

28. ADVERSE OR CONFLICTING CLAIMS—PROCEDURE.—In case of adverse or conflicting claims for leases under sections 18, 19, or 22, or permits under sections 19 or 22, the Secretary of the Interior is clothed with authority to grant leases or permits, as the case may be, to one or more of them as shall be deemed just.

(a) To have their claims considered in connection with the awarding of leases or permits it will be necessary for adverse claimants to make full showing (1) of a superior right to a lease or permit under this act, or (2) a superior right under some other public land law. If the former the conflicting claimant must make out a complete case in his own behalf as required by these regulations.

(b) Upon receipt of the application and showing of an adverse claimant the Commissioner of the General Land Office will consider same. If, in his judgment, the adverse claimant has failed to make a prima facie case showing that he is entitled to a lease or permit, as the case may be, for at least part of the land, his application will be rejected subject to appeal to the Secretary of the Interior. But if the adverse claimant makes out a prima facie case the Commissioner will take such course as may be advisable under the circumstances of each particular case to settle and adjust the rights of the respective parties, and may, if deemed necessary, order a formal hearing to settle disputed questions of fact. In the absence of appeal to the Secretary of the Interior from the final order or decision of the Commissioner, same shall be conclusive.

29. COMPROMISES UNDER SECTION 18A.—No special procedure will be outlined under this section. Any request for a compromise or settlement under this section which may be filed in the Land Department will be transmitted to the President with such report as may be deemed advisable under the circumstances of the particular case. In case the land is in a naval petroleum reserve the Navy Department will be consulted before making such report.

IV.—RIGHTS OF WAY FOR PIPE LINES.

30. Section 28 of the act grants to any applicant having the qualifications outlined in section 1 of these regulations, rights of way through public lands of the United States, including national forests, for pipe-line purposes for the transportation of oil or natural gas, on condition that the pipe lines for which rights of way are granted shall be operated and maintained as common carriers. The grant carries with it the right to the use of the ground actually occupied

by the pipe line, and 25 feet on each side thereof for the purpose of construction, maintenance, and operation of the pipe line. Applicants for rights of way under this act will be governed by the regulations set forth in circular of June 6, 1908 (36 L. D., 567) in so far as applicable, appropriate changes being made in the forms therein prescribed to make them applicable to right-of-way cases arising under the act of February 25, 1920 (Public No. 146), for pipe lines to be constructed, maintained, and operated as common carriers. Failure on the part of grantee to fulfil the conditions imposed by the act shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is situated.

V.—FEES AND COMMISSIONS.

31. Under the authority of section 38 of the act, the following fees and commissions are prescribed for transactions under the act:

(a) For receiving and acting on each application for a permit, lease, or other right filed in the district land office in accordance with these regulations, there shall be paid a fee of \$2 for each 160 acres, or fraction thereof, in such application, but such fee in no case to be less than \$10, the same to be paid by the applicant and considered as earned when paid, and to be credited in equal parts on the compensation of the register and receiver within the limitations provided by law.

(b) A commission of 1 per cent on all moneys received in each receiver's office, to be equally divided between the register and receiver; such commission will not be collected from the applicant, lessee, or permittee in addition to the moneys otherwise provided to be paid.

It should be understood that the commission here provided for will not affect the disposition of the proceeds arising from operations under the act as provided in section 35 thereof; also that such commission will be credited on compensation of registers and receivers only to the extent of the limitation provided by law for maximum compensation of such officers.

VI.—REPEALING AND SAVING CLAUSES.

32. Section 37 of the act provides that hereafter the deposits of coal, phosphate, sodium, oil, oil shale, and gas, referred to and described therein, may be disposed of only in the manner provided in the act "except as to valid claims existent at date of passage of this act, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery."

Stated negatively, under this section of the act, the following classes of oil or gas placer locations, so called, notwithstanding absence of fraud and full compliance with law in other respects, may not proceed to patent, viz:

(a) Any location made after withdrawal of the land.

(b) Any location made before withdrawal of the land but not perfected by discovery at date of withdrawal, which does not come within the protective proviso of section 2 of the act of June 25, 1910.

(36 Stat., 847) ; that is to say, any claimant who, at date of withdrawal, was not a bona fide occupant or claimant in diligent prosecution of work leading to discovery of oil or gas, and who has not continued in such diligent prosecution to discovery.

(c) Any location on lands not withdrawn, on which, at the date of the act, the claimant had not made discovery or was not in diligent prosecution of work leading to discovery, and does not continue such work with diligence to discovery.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved: March 11, 1920.

ALEXANDER T. VOGELSANG,
Acting Secretary.

[PUBLIC—No. 146—66TH CONGRESS.]

[S. 2775.]

AN ACT To promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

[Sections 2 to 8 inclusive relate to coal.]

[Sections 9 to 12 inclusive relate to phosphates.]

OIL AND GAS.

SEC. 13. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from

date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting; and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

SEC. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and, if

surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this Act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids.

SEC. 15. That until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition.

SEC. 16. That all permits and leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

SEC. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding six hundred and forty acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per centum in amount or value of the production, and the payment in advance of a rental of not less than \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year.

Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this Act.

SEC. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this Act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than $12\frac{1}{2}$ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he

may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the Act entitled "An Act to amend an Act entitled 'An Act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest,' approved March 2, 1911," approved August 25, 1914 (Thirty-eighth Statutes at Large, page 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further*, That no lease or leases under this section shall be granted, nor shall any interest therein inure, to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for.

SEC. 18a. That whenever the validity of any gas or petroleum placer claim under preexisting law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation.

SEC. 19. That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this Act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of \$250 for each

location if application therefor shall be made within six months from the passage of this Act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this Act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than $12\frac{1}{2}$ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

SEC. 20. In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than $12\frac{1}{2}$ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

[Section 21 relates to oil shale.]

ALASKA OIL PROVISIO.

SEC. 22. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this Act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one

thousand two hundred and eighty acres in each: *Provided*, That leases in Alaska under this Act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

[Sections 23, 24, and 25 relate to sodium.]

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES.

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him.

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of con-

structing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of

other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located, whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure,

or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production $52\frac{1}{2}$ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production $37\frac{1}{2}$ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for

sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act.

Approved, February 25, 1920.

BLM Library
Denver Federal Center
Bldg. 82, OC-521
P.O. Box 25047
Denver, CO 80222

BLM Library
Denver Federal Center
Bldg. 85, OC-521
P.O. Box 25047
Denver, CO 80225

CIRCULAR NO. 673.

STOCK-RAISING HOMESTEADS—AMENDMENT OF CIRCULAR 523.

DEPARTMENT OF INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 15, 1920.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Circular No. 523 of January 27, 1917 (45 L. D., 625), as amended and reprinted July 30, 1919, is amended by substituting for the fourth and fifth subparagraphs of paragraph 6 the following:

An additional entry (under any section of the act) can be made only as additional to a pending or perfected entry, not to an unallowed application; however, exception is made where suspension of the original filing has been due only to the necessity of passing upon the right of applicant to make a second entry and the application therefor was otherwise allowable at the time the additional application was filed. In all other cases you will reject applications for additional entries where the applications for original entry are not allowable at the time of filing.

When the land involved is designated and subject to entry under the stock-raising act, and it is therefore possible to embrace the entire area desired under that act, one who thereafter elects to make an entry under other homestead laws and an additional stock-raising entry will not be granted a reduction in the requirements of cultivation in connection with the original entry, but will be held to strict compliance with the requirements of the law under which the original entry was made.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

171563°—20

Circular No. 675.

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON, D.C.

March 22, 1920.

: Allotment applications
: by married women.

Registers and Receivers,
U. S. Land Offices.

Sirs:

On February 12, 1920, the Department directed that the closing paragraph of the Departmental letter of April 15, 1918, which approved the regulations of April 15, 1918, governing Indian allotments on the public land be entirely eliminated and that the following paragraph be added to the regulations on page seven under the heading, "Indian Wives:"

"An Indian woman married to an Indian man, who has himself received an allotment on the public domain or is entitled to one is not thereby deprived of the right to file an application in her own name, provided she is otherwise entitled."

The effect of this amendment of the circular is to allow married Indian women who have received certificates from the Commissioner of Indian Affairs that they are entitled as Indians to allotments on the public domain the same rights in respect to allotments in severalty under the fourth section of the act of February 8, 1887 (24 Stat., 388), as amended, as are allowed single women regardless of the age of such women.

Each married Indian woman applicant will, however, be required to conform to the rules as to settlement laid down on pages 5 and 6 of the circular and must satisfy this office by evidence submitted in the form of an affidavit by her, corroborated by the affidavits of at least two persons having knowledge of the facts, that she has used or occupied the land for at least two years in such manner as will indicate that she has taken the land in good faith with the intention of making use of the same, for some clearly beneficial purpose, as is required of other adult applicants.

The applications for minor children must continue to be filed by the father, if he is living with his family, or if not the mother, if she has applied for herself, can apply for such living minor children under her care and protection as were living at the time she filed her own application. In default of any adverse claims you will reinstate on your records any and all applications by married Indian women, whose applications have been rejected for the sole reason that they were made by married women whose husbands were entitled to allotments on the public domain, wherever your attention is directed to such and you will immediately advise this office by special letter of your action in each instance.

Very respectfully,

CLAY TALLMAN,

Commissioner.

Approved March 22, 1920

ALEXANDER T. VOGELSANG.

First Assistant Secretary.

The applications for minor children must continue to be filed by the father, if he is living with the child, or if not the mother, if she has applied for herself, and apply for such living minor children under her care and protection as were living at the time she filed her own application. In default of any address giving you will register on your records any and all applications by married living women whose applications have been rejected for the same reason that they were made by married women whose husbands were notified in accordance with the public law. Whether your attention is directed to such and you will immediately advise the office by special letter of your action in each instance.

Very respectfully,

CHAS. T. VOGELSONG

Commissioner

Approved March 22, 1929

ALICE M. T. VOGELSONG

First Assistant Secretary

CIRCULAR NO. 676.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 25, 1920.

REGISTERS AND RECEIVERS, UNITED STATES LAND OFFICES.

SIRS: The regulations (Circular No. 672) approved March 11, 1920, for the administration of the oil and gas provisions of the act of February 25, 1920 (Public, No. 146), are hereby amended, modified, and supplemented, as follows:

1. Section 1, paragraph (c), strike out the words:

"provided that no stockholders are citizens of nonreciprocating countries as provided in section 1 of the act.

2. Section 4, paragraph (b), strike out the words:

"and evidence that none of its stockholders are citizens of another country, the laws, customs, and regulations of which deny similar or like privileges to citizens or corporations of this country;"

and substitute therefor the following:

"and a showing as to the residence and citizenship of its stockholders."

3. Section 4, strike out paragraph (c) and substitute therefor the following:

"(c) A statement that the applicant is not the holder of more than two other subsisting permits in the same State, nor of any permit in the same geologic structure, together with a statement of any other applications for permits in the same State, in which the applicant is directly or indirectly interested. In this connection attention is directed to the limitations and exceptions of section 27 of the act."

4. Section 12, the first paragraph is modified and amended to read as follows:

"*Preference right to owner of surface.*—A preference right to a permit is given to an owner or entryman of the land with a reservation of the oil deposits to the United States, under the following conditions: (a) The land must have been withdrawn or classified as oil or gas lands; (b) entry must have been bona fide and made prior to such withdrawal or classification, and prior to the date of the act; (c) in case of an assignment, same must have been prior to January 1, 1918; (d) the land must not be claimed under any railroad grant."

5. Section 15, paragraph (a), strike out the words:

"and evidence that none of its stockholders are citizens of another country, the laws, customs, and regulations of which deny similar or like privileges to citizens or corporations of this country."

and substitute therefor the following:

"and a showing as to the residence and citizenship of its stockholders."

6. Section 17 of regulations, section 2 of lease form, paragraph (d), is amended to read as follows:

"(d) *Sales contract*.—To file with the Secretary of the Interior copies of all sales contracts for the disposition of oil and gas produced hereunder except for production purposes on the land leased, and in the event the United States shall elect to take its royalties in money instead of in oil or gas, not to sell or otherwise dispose of the products of the land leased except in accordance with a sales contract or other method first approved by the Secretary of the Interior."

7. Section 17 of regulations, section 2 of the lease form, paragraph (f), is amended to read as follows:

"(f) *Plats and reports*.—To furnish annually and at such other times as the Secretary shall require, in the manner and form prescribed by the Secretary of the Interior, a plat showing all development work and improvements on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, accompanied by a report in detail as to the stockholders, investment, depreciation, and cost of operation, together with a statement as to the amount and grade of oil and gas produced and sold, and the amount received therefor, by operations hereunder."

8. Section 18, strike out paragraph (c) and substitute therefor the following:

"(c) That no claimant who has acquired any interest in the land since September 1, 1919, from another claimant who, on that date or since that time, was or is claiming or holding more than the maximum allowed a claimant under section 18 of the act, may secure a lease under section 18, or any interest therein. This limitation does not, however, apply to an exchange of an interest in such lands made prior to January 1, 1920, which did not increase or reduce the area or acreage held or claimed in excess of the maximum by either party to the exchange."

9. Section 18, paragraph (e) substitute the word "asserted" for the word "initiated."

10. Section 18, strike out paragraph (g).

11. Section 19, paragraph (c) (Royalties), is modified and amended to read as follows:

"(c) *Royalties*.—The royalties payable under leases granted pursuant to section 18 of the act are cumulative, and are hereby determined and prescribed as follows:

"For all oil produced of 30 degrees Baumé or over upon each claim on which the wells average not exceeding 20 barrels per day for the calendar month, 12½ per cent; upon each claim on which the wells average more than 20 barrels and not more than 50 barrels per day for the calendar month, 16½ per cent; upon each claim on which the wells average more than 50 barrels and not more than 100 barrels per day for the calendar month, 20 per cent; upon each claim on which the wells average more than 100 barrels per day for the calendar month, 25 per cent.

"For all oil produced of less than 30 degrees Baumé upon each claim on which the wells average not exceeding 20 barrels per day for the calendar month,

12½ per cent; upon each claim on which the wells average more than 20 barrels and not more than 50 barrels per day for the calendar month, 14½ per cent; upon each claim on which the wells average more than 50 barrels and not more than 100 barrels per day for the calendar month, 16½ per cent; upon each claim on which the wells average more than 100 barrels per day for the calendar month, 20 per cent.

"Only wells which have a commercial production during at least a part of the month shall be considered in ascertaining the average production herein, and the Secretary of the Interior shall determine what are commercially productive wells under this provision.

"The royalties on gas produced, if any, will be fixed and determined in each lease."

12. Section 20, strike out paragraph (f).

13. Section 21, paragraph (a), strike out the words:

"Only one permit for not exceeding 2,560 acres will be granted to the same person, association, or corporation; hence all claims for relief in the form of a permit should be embraced in a single application."

14. Section 25, paragraph (h), strike out the words:

"The statement of sales should be corroborated by the purchasers."

15. Section 25, strike out paragraph (i), and substitute therefor the following:

"(i) *Inspection of records.*—The agreement on the part of the applicant to permit the inspection of any and all books, records, and accounts having any bearing on the data or information required by the application and to furnish copies or abstracts of such books, records, or accounts, on demand."

16. Section 25, paragraph (k), is modified and amended to read as follows:

"(k) *Limitation of area.*—Applications for lease under section 18 of the act should disclose all other applications, in which the applicant is directly or indirectly interested, for lease under said section for lands (describing same) in the same geologic structure; and applications under section 22 of the act should show all other applications for leases or permits under said section. The boundaries of the geologic structures of the various producing fields will be determined and announced by the United States Geological Survey under supervision of the Secretary of the Interior, and such information will be placed on file in all United States land offices."

17. Section 27, in the form of notice there set out, strike out the following words: "together with an application."

18. Section 28, paragraph (a) add the following words: ", on or before August 25, 1920."

19. The following form of bond is prescribed for use in compliance with the requirements of paragraph (i), section 4 of the regulations and paragraph 7 of the form of permit shown in section 6 of the regulations:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

U. S. Land Office—
Serial Number—

BOND OF OIL AND GAS PERMITTEE.

Act of February 25, 1920 (Public No. 146).

KNOW ALL MEN BY THESE PRESENTS, That we, ———, of the county of ———, in the State of ———, as principal, and ——— of the county of ———, in the State of ———, as surety, are held and firmly bound unto the United States of America in the sum of ——— dollars, lawful money of the United States to be paid to the United States, for which payment, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators or successors, and assigns, jointly and severally by these presents.

Signed with our hands and sealed with our seals this ——— day of ——— in the year of our Lord one thousand nine hundred and ———.

The condition of the foregoing obligation is such that, whereas the said principal has made application under the act of February 25, 1920 (Public No. 146), for a permit to prospect for oil and gas for two years upon the following described lands:-----

and whereas said permit, if granted, will be on condition that all operations shall be conducted in accordance with approved methods; that all proper precautions shall be exercised to prevent waste of oil or gas developed in the lands, or the entrance of water through wells drilled by, or on behalf of, the principal to the oil sands or oil-bearing strata to the destruction of the oil deposits.

NOW THEREFORE, if said principal shall promptly repair any damage that may result to the oil strata or deposits resulting from improper methods of operation, or from failure to comply fully with the aforesaid conditions of said permit, then the above obligation is to be void and of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered in presence of—
Name and address of witness:

-----[L. s.]
Principal.
-----[L. s.]
Surety.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved March 25, 1920.

JOHN BARTON PAYNE,
Secretary.

CIRCULAR No. 678.

**REGULATIONS GOVERNING THE DISPOSITION OF APPLICATIONS
FILED UNDER THE PROVISIONS OF PUBLIC RESOLUTION
NO. 29 (HOUSE JOINT RESOLUTION 20), APPROVED FEBRU-
ARY 14, 1920.**

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 31, 1920.

REGISTERS AND RECEIVERS,
United States Land Offices.

SIRS: Public Resolution No. 29, giving to discharged soldiers, sailors, and marines a preferred right of homestead entry, approved February 14, 1920, provides:

That hereafter, for the period of two years following the passage of this Act, on the opening of public or Indian lands to entry, or the restoration to entry of public lands theretofore withdrawn from entry, such opening or restoration shall, in the order therefor, provide for a period of not less than sixty days before the general opening of such lands to disposal in which officers, soldiers, sailors or marines who have served in the Army or Navy of the United States in the war with Germany and been honorably separated or discharged therefrom or placed in the Regular Army or Naval Reserve, shall have a preferred right of entry under the homestead or desert-land laws, if qualified thereunder, except as against prior existing valid settlement rights and as against preference rights conferred by existing laws or equitable claims subject to allowance and confirmation: *Provided*, That the rights and benefits conferred by this act shall not extend to any person who, having been drafted for service under the provisions of the Selective Service Act, shall have refused to render such service or to wear the uniform of such service of the United States.

SEC. 2. That the Secretary of the Interior is hereby authorized to make any and all regulations necessary to carry into full force and effect the provisions hereof.

DURATION OF PREFERENCE RIGHT PERIOD.

SECTION 1. Public or Indian lands opened to entry or restored from withdrawals or reservations after February 14, 1920, and prior to February 15, 1922, are subject to the provisions of the public resolution. The time provided therein for filing homestead and desert-land applications by those entitled to exercise the privileges conferred thereby will begin and terminate as provided hereinafter, unless otherwise directed in the order opening or restoring the lands. Where such period begins prior to February 15, 1922, it will continue for the time prescribed, even though such period extends after February 15, 1922.

**PERSONS ENTITLED TO THE BENEFITS OF THE PUBLIC
RESOLUTION.**

SEC. 2. (a) The words "officers, soldiers, sailors, and marines," as employed in the public resolution, are generic terms and embrace privates, seamen, sailors, nurses, and all other persons, male or female, who by enlistment or otherwise were regularly enrolled in the Army, Navy, or Marine Corps of the United States during the war with Germany, and who could not voluntarily terminate such service, but does not include civilian employees, nor officers, nurses, or members of other organizations not so enrolled in the Army or Navy. Persons entitled to the foregoing privileges will be referred to hereinafter generally as soldiers.

(b) A person now in the active service of the United States Army, Navy, or Marine Corps is not entitled to the privileges of the public resolution unless he can show an honorable discharge or separation from a previous service in the Army, Navy, or Marine Corps subsequent to April 6, 1917. Whenever such person can show an honorable discharge or separation from such service he may avail himself of the benefits of the public resolution. Persons who were honorably discharged or separated from service in the United States Army, Navy, or Marine Corps after April 6, 1917, and who by reenlistment or otherwise are now engaged in such service, may exercise the privileges conferred by the public resolution, but must, if they make entry, comply in all particulars with the applicable law and regulations.

(c) An alien soldier who served in the United States Army, Navy, or Marine Corps, during the war with Germany, and was honorably discharged, is given the status of a declarant by the act of May 9, 1918 (40 Stat., 542), and if otherwise qualified, may exercise the privileges conferred by the public resolution, and may make an original homestead entry or desert-land declaration, but must, before proving his title under either act, complete his citizenship.

(d) A minor soldier, if otherwise within the provisions of the public resolution, may, under the act approved August 31, 1918 (40 Stat., 955), make either a homestead or desert-land entry, and during his minority, or until he reaches the age of 21 years, may verify his homestead or desert-land application before any officer, at any place, authorized to administer oaths under the laws of the State within which the land applied for is situated. Among officers so recognized may be mentioned notaries public, and clerks of courts of record in this country, and consular and diplomatic officers in foreign countries. In connection, however, with public land entries made by minor soldiers, attention is directed to the restrictive provisions attaching to such entries by Public Resolution approved September 13, 1918 (40 Stat., 960), and departmental instructions thereunder of October 9, 1918, circular 622 (46 L. D., 451).

QUALIFICATION OF SOLDIERS.

SEC. 3. The public resolution provides that the privileges thereunder may be exercised only by those qualified to make a homestead entry or desert-land declaration. A soldier who at date of application is the owner of more than 160 acres of land in any State or Territory of the United States, can not make an original homestead entry. The ownership of land is no bar to making a desert-land declaration, but the soldier at the time of filing such declaration must be a resident of the State in which the land is situated. If the soldier at the time his application is filed is not the owner of more than 160 acres of land in any State or Territory, has not made homestead entry or desert-land declaration, nor taken by assignment a desert-land entry, nor acquired agricultural lands from the Government, he may make either an original homestead entry or desert-land declaration, or both, within the limitations fixed by law, if the land applied for is subject to the entry sought. If he has made a homestead or desert-land entry, or has acquired from the Government title to agricultural lands, he should, before filing his application, consult Suggestions to Homesteaders, Circular No. 541, and Statutes and

Regulations governing entries under the desert land laws, Circular No. 474, both of which may be obtained by request from the Commissioner of the General Land Office.

SHOWING REQUIRED TO ENTITLE THE SOLDIER TO THE PREFERENCE PROVIDED.

SEC. 4. The soldier must show his qualifications to make the entry sought, and in addition thereto, either as a part of his application or by an accompanying statement sworn to before an officer qualified to verify homestead or desert-land applications, that he served in the United States Army, Navy or Marine Corps on or after April 6, 1917; the approximate period of such service; the unit or units in which such service was performed; that he was honorably separated or discharged from such service or placed in the Regular Army or Navy Reserve, and the date thereof, and that he did not refuse to perform such service or wear the uniform thereof. He should attach to his application a copy of his honorable discharge or separation, or the order placing him in the Regular Army or Navy Reserve, as the case may be, certified as correct by an officer with a seal, but he will not be required to file the original order of discharge or transfer. A minor soldier must show, in addition to the above, that he was under 21 years of age at the date of the execution of his application.

SOLDIER'S DECLARATORY STATEMENT NOT EFFECTIVE—ENTRY MUST BE MADE.

SEC. 5. Rights extended by the public resolution can not be supported by soldier's declaratory statement under the homestead law, but must be exercised through an application to make homestead entry.

EXECUTION AND PRESENTATION OF APPLICATIONS.

SEC. 6. To avail himself of the privileges conferred by the public resolution, the soldier, unless he be a minor, must, if not within, go to the land district in which the land is situated, and he should personally examine the land applied for. He must execute his application, whether it be under the homestead or desert-land laws, before either the register or receiver of the local land office, or before a United States Commissioner, or a judge or clerk of a court of record in the county in which the land is located, or before one of such officers in the land district and nearest or most accessible to the land. When so executed, the application may be presented to the land office in person, by mail, or otherwise. A minor soldier may execute his application in the manner provided in paragraph (d), section 2, hereof.

SOLDIER MUST MAKE ENTRY UNDER THE LAW APPLICABLE.

SEC. 7. Where under the law or order of restoration issued pursuant to the provisions of the act of September 30, 1913 (38 Stat., 113), the lands are restored to entry only under the provisions of either the homestead law or the desert-land law, applications by soldiers must be restricted to the applicable law, but where under the law or order

of restoration entries may be made under either or both of such laws for lands properly subject thereto, a soldier may file an application under the homestead law and one under the desert-land law, if he does not by such application include more land than he may lawfully acquire under the agricultural laws, provided he is qualified to make the entry sought, and the lands embraced in such applications are lawfully subject thereto, but he will not be permitted to file under both acts for the same tract.

PAYMENTS.

SEC. 8. The soldier must make the payments required of other persons under the law, pursuant to which his application is filed or entry is made.

COMPLIANCE WITH LAW AFTER ENTRY.

SEC. 9. The soldier must comply with the provisions of the desert-land law in the same manner and make the expenditures on the land and the payments required of other entrymen under that law. Where entry is made under the homestead law, the soldier may, under the provisions of the act approved February 25, 1919 (40 Stat., 1161), extending the provisions of section 2305 Revised Statutes to service in the United States Army, Navy, or Marine Corps, in connection with the operations on the Mexican border, or in the war with Germany, receive credit for such service, not exceeding two years, in proving his claim. He must establish residence within the time and during at least the first year of his entry reside on the land and otherwise comply with the law in the manner required of other persons. He may at any time after the first year of his entry submit his proof, when he can show that the period of his compliance with the law after establishing residence and his military service equal 36 months. In applying credit for military service under the general or enlarged provisions of the homestead law, the following rule will be observed:

A soldier with 19 months or more military service will be required to reside on the land at least 7 months during the first entry year; with more than 12 and less than 19 months, he must reside on the land 7 months during the first year and such part of the second year as, added to his excess over 12 months' service, will equal 7 months, and must cultivate one-sixteenth of the area the second year; with 7 and not more than 12 months, he must reside upon the land 7 months during each of the first and second years, and cultivate one-sixteenth of the area the second year; with 90 days and less than 7 months, he must reside upon the land 7 months during each year for the first and second years, and such part of the third year as, added to his service, will equal 7 months, and cultivate one-sixteenth of the area the second year and one-eighth the third year; and with less than 90 days' service, will receive no credit therefor in lieu of residence and cultivation. If he delays the submission of proof beyond the period of residence required, the cultivation necessary for the years elapsing before the submission of proof must be shown. He may apply for and receive a reduction in the area to be cultivated, in the same manner and under the conditions required of other applicants. Where the entry is made under the stock-raising provisions of

the homestead law, the above rule with respect to residence will be applicable, but the soldier must make the improvements on the land required of other persons under that law, and show in lieu of cultivation that he actually used the land for raising stock and forage crops during the period that he was required to reside on the land. He must show, in any entry under the homestead laws, that he had a habitable house on the land at the date of submitting proof.

LANDS AFFECTED BY THE PUBLIC RESOLUTION.

SEC. 10. The public resolution affects only lands that may be entered under the homestead or desert-land acts, and does not extend the provisions of either of said laws to areas not otherwise subject thereto. It applies in all cases where such lands become subject to entry, (a) by the filing of township plats of survey or resurvey, or (b) where Indian lands are opened to entry, or (c) where public lands are restored from withdrawals or reservation, or (d) where lands are embraced in relinquishments which do not become effective upon being filed in the proper local land office, but upon which action by the Commissioner or Secretary is necessary before the lands affected are restored to disposition, or (e) where titles are recovered through actions in the courts. It does not apply to lands that were open to entry on the date of its approval, nor to lands embraced in entries canceled by contests, or by reason of expiration of the statutory period, nor to lands embraced in entries or selections where under the law such lands become subject to entry upon the filing of proper relinquishments thereof in the local land office. Where, however, entries made under the provisions of the public resolution are relinquished before the expiration of the preference right period accorded to soldiers, the lands affected thereby may be entered only by soldiers during such preference right period.

CLASSES OF HOMESTEAD AND DESERT-LAND ENTRIES ALLOWABLE.

SEC. 11. The public resolution applies to all classes of homestead entries, whether under the 160, 320, or 640 acre provisions, and homestead and desert-land entries whether the entire estate is sought or whether the minerals are reserved to the United States. A soldier's homestead application under the enlarged, the stock-raising, or other special provisions of the law, will be governed by the regulations applicable thereto, and if by drawing, in case of simultaneous applications, or by time of filing such application is accorded priority, it will be disposed of accordingly.

UNSURVEYED LANDS.

SEC. 12. The public resolution will not prevent settlement on unsurveyed lands otherwise subject thereto prior to the filing of the township plat of survey, and where settlements are so made by qualified persons and maintained in the manner required by law, the rights secured thereby will not be subordinated, upon the restoration of the lands, to preferences asserted under the public resolution, but, from the date of the filing of the township plat of survey and until the preference period provided for soldiers has expired, settlements on the lands affected will confer no rights whatsoever.

RIGHTS THAT MAY DEFEAT SOLDIER'S APPLICATION.

SEC. 13. The rights conferred by the public resolution are subject to existing valid settlement rights and preference rights under existing laws, or equitable claims that are subject to allowance and confirmation. Without attempting to enumerate all the valid claims and existing preference rights that might defeat a soldier's application, the following may be mentioned:

(a) Settlement made by a qualified person at a time when the land was lawfully subject thereto, and maintained in the manner required by law to date of such application. The soldier may avoid conflict with such settlers' claims by carefully examining the land before filing his application.

(b) The preference rights granted under the provisions of the act of August 18, 1894 (28 Stat., 394), to the States of Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, and Utah upon its admission into the Union, and subsequently extended to the States of New Mexico and Arizona by sections 11 and 29 of the enabling act of June 20, 1910 (36 Stat., 565, 575). Where the States mentioned applied for the survey of public lands within their respective limits, and complied with the requirements of said act, the preference rights accorded by said act, if exercised within the 60 days provided, will defeat a soldier's application. The period within which the State must apply in order to protect its preference will begin with the date of the order of restoration of lands withdrawn or in reservation and surveyed during the time of withdrawal or reservation, and from the date of the filing of the township plat of survey, where the lands were not so withdrawn or reserved.

(c) The preference right granted the States of North Dakota, South Dakota, Montana, Idaho, and Washington by the act of March 3, 1893 (27 Stat., 592), will not defeat soldiers' applications during the preference right period extended by the public resolution. Under the act of March 3, 1893, the rights therein granted attach only when the lands shall have become subject to appropriation under all of the applicable public-land laws, while the preferences granted soldiers by the public resolution are effective for a period of at least 60 days *before* such lands shall become subject to appropriation by others. Therefore, the provisions of the aforesaid act of March 3, 1893, will not prevent the allowance of applications by soldiers during the period hereinafter fixed for filing such preference right applications, but upon the restoration of the land to entry generally, the rights of the several States to lands not then appropriated will attach, and for the period of 60 days thereafter will be superior to the claims of all other applicants, including soldiers.

(d) **The act of June 11, 1906 (34 Stat., 233).** Lands restored under the provisions of the said act of June 11, 1906, are under the terms of such act subject to preference rights as follows:

(1) For a period of 60 days by settlers prior to January 1, 1906, who shall not have abandoned such settlement prior to application;

(2) For a like period by persons, if qualified to make homestead entry, upon whose applications the lands were examined and listed.

The foregoing preferences are granted in the order named, and the 60-day period begins on the date the list and order of restoration reach the local land office.

(e) Preference rights extended certain Carey Act entrymen under the act approved February 14, 1920, Public No. 140. The rights granted settlers under the provisions of Public No. 140, are not absolute, but are conditioned upon the recognition of such rights by the Secretary of the Interior in the order restoring such lands to the public domain. Where the order restoring Carey Act lands does not recognize the preference rights of settlers, nor provide for the exercise thereof, soldiers' applications will be governed by paragraph (a), section 14 hereof.

ORDER APPLICABLE TO LANDS OPENED OR RESTORED SUBJECT TO THE PROVISIONS OF THE PUBLIC RESOLUTION.

SEC. 14. It is ordered and directed that hereafter, and until February 15, 1922, when any surveyed lands within the provisions of the public resolution are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto, in the following manner, and not otherwise:

(a) Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (Pub. No. 140), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 63 days, beginning with the date of the filing of the township plat, in case of survey or resurvey, and with the sixty-third day from and after the order of restoration, in all other cases, and thereafter to disposition under all of the public land laws applicable thereto. For the period of 20 days prior to the restoration or opening of such lands to soldiers' entry, and for a like period prior to the date such lands become subject to entry generally, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

(b) Where the lands are subject to the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), and where in the order restoring Carey Act lands preference rights of settlers are recognized under the provisions of the act approved February 14, 1920 (Public No. 140), the lands not appropriated under such dominant preference rights will become subject to entry by soldiers under the provisions of both the homestead and desert-land laws, or the homestead laws only, at 9 o'clock a. m., standard time, on the first office day after the termination of such preference right periods, and to entry under all the applicable public land laws at 9 o'clock a. m., standard time, on the sixty-third day from and after such first office day. Soldiers' applications may be filed at any time during such preference right periods, and will be held subject to such superior preference rights. If the controlling preference right be exercised within the time prescribed, applications of soldiers in conflict therewith will be rejected. If

such preference rights be not so exercised, the applications by soldiers filed during such preference right periods, together with those filed at 9 o'clock a. m., standard time, on the first office day following the termination of such periods, will be treated as filed simultaneously.

DISPOSITION OF APPLICATIONS.

SEC. 15. (a) Applications treated as filed simultaneously will be rejected where they conflict with superior claims; otherwise they will be disposed of in the manner required by circular 324, approved May 22, 1914 (43 L. D., 254).

(b) Soldiers' applications and those of other qualified persons filed after 9 o'clock a. m., standard time, on the dates the lands become subject to such applications, will be disposed of in the order filed.

RESTORATION OF LANDS TO GENERAL DISPOSITION.

SEC. 16. (a) While the special privileges extended by the public resolution may be exercised by soldiers of the war with Germany only, when the lands shall have been restored to disposition generally, under the applicable public land laws, soldiers of any war may proceed on terms of equality with other qualified persons. Those who served for 90 days or more in the United States Army, Navy, or Marine Corps during the Civil War, Spanish-American War, or Philippine Insurrection, and were honorably discharged, may initiate claims under the homestead law by filing declaratory statements, either in person or by agent. Those who served in the United States Army, Navy, or Marine Corps for 90 days or more in connection with the operations on the Mexican border or during the war with Germany, and were honorably discharged, may file declaratory statements in person, but *not* by agent. The soldiers who make entry after restoration of the land to general disposition may apply such military service in lieu of residence in proving claims under the homestead laws, to the extent indicated in section 9 hereof.

(b) Where the lands are affected by the provisions of the act of March 3, 1893 (27 Stat., 592), the applications of soldiers and other persons will be held subject to the rights of the State for a period of 60 days from and including the date of such general restoration.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Approved:

ALEXANDER T. VOGELSANG,
First Assistant Secretary.

Amended by Circ. 1314, 1633

UNITED STATES DEPARTMENT OF THE INTERIOR

General Land Office - - Circular No. 679

Obsolete
See 1788

REGULATIONS

CONCERNING

COAL MINING LEASES, PERMITS
AND LICENSES

Under Act of February 25, 1920
(Public No. 146)

APPROVED APRIL 1, 1920

Reprinted as amended June 11, 1929



UNITED STATES
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UNITED STATES DEPARTMENT OF THE INTERIOR

General Land Office Circular No. 872

REGULATIONS

COAL MINING LEASES, PERMITS
AND LICENSES

Under Act of February 25, 1905
(Public No. 145)

Revised April 1, 1920

Reprinted as amended June 11, 1920



DAVIDSON, JOHN P. PRINTED BY
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COAL LAND LAWS AND REGULATIONS.

(EXCLUSIVE OF ALASKA.)

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
April 1, 1920.

Register and Receiver, United States Land Offices.

SIRS: Under authority of the act of Congress approved February 25, 1920 (Public No. 146), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," the following rules and regulations are prescribed for the administration of the provisions of said act relative to coal:

1. **Methods of disposition.**—Sections 2 to 8, inclusive, of said act authorize the Secretary of the Interior to—

(1) Divide into leasing units and award leases of coal lands and coal deposits owned by the United States;

(2) Issue permits to prospect unclaimed and undeveloped areas of coal lands and coal deposits; and

(3) Issue limited licenses or permits to prospect for, mine, and take for use coal from public lands.

2. **Lands to which applicable.**—The act applies to the coal lands, or the deposits of coal, classified and unclassified, owned by the United States, including those in national forests, and including the coal deposits reserved under laws authorizing entries and patents with reservation to the United States of such deposits; also to coal lands in ceded or restored Indian reservations the proceeds from the disposition of which are the property of the United States. It does not include land or deposits in (a) national parks, (b) forests created under the act of March 1, 1911 (36 Stat., 961), known as the Appalachian forest reserve act, (c) lands in military or naval reservations, (d) Indian reservations, nor (e) ceded or restored Indian lands, the proceeds from the disposition of which are credited to the Indians.

All permits or leases for the exploration for or development of coal deposits under this act within the limits of national forests or other reservations or withdrawals to which this act is applicable shall be subject to and contain such conditions, stipulations, and reservations as the Secretary of the Interior shall deem necessary for the protection of such forests, reservations, or withdrawals, and the uses and purposes for which created.

3. **Who may take.**—Leases and prospecting permits may be issued to citizens of the United States, associations of citizens, corporations organized under the laws of the United States or any State or Territory thereof, and to municipalities. Limited licenses or permits

for the mining of coal may be issued to citizens, associations of citizens, and municipalities. Leases may also be issued to operating railroad companies to mine coal for their own use for railroad purposes, subject to certain restrictions found in section 2 of the act.

4. Equitable rights.—Equitable rights of claimants who, prior to the date of the act, occupied and improved coal lands in good faith may be recognized in awarding leases of such lands, in which cases the rents and royalties, not less than the minimum provided for leases under the act, will be fixed by the Secretary of the Interior.

5. Repealing and saving clause.—Section 37 of the act provides that hereafter the deposits of coal, phosphate, sodium, oil, oil shale, and gas referred to and described in the act, including lands and deposits described in joint resolution of August 1, 1912 (37 Stat., 1346), may be disposed of only in the manner provided in the act "except as to valid claims existent at date of passage of this act, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery."

As to coal, those claims initiated under the preexisting law may go to patent, which, at the date of the act, were covered by valid coal declaratory statements or applications to purchase which are timely followed up and perfected in accordance with the controlling coal land laws (secs. 2348 to 2352, Revised Statutes), and the regulations thereunder (Circular No. 557); likewise, one who has opened and improved a mine of coal on unsurveyed lands may proceed to perfect his claim within sixty days from the filing of the official plat of survey, pursuant to section 2349 R. S.

6. Fees and commissions.—(a) For receiving and acting upon each application for a permit, lease, or license filed in the district land office in accordance with these regulations, there shall be paid a fee of \$2 for every 160 acres, or fraction thereof, in such application, but such fee in no case to be less than \$10, the same to be paid by the applicant and considered as earned when paid, and to be credited in equal parts on the compensation of the register and receiver within the limitations provided by law.

(b) Registers and receivers shall be entitled to a commission of 1 per cent of all moneys received in each receiver's office, to be equally divided between the register and receiver; such commission will not be collected from the applicant, lessee, or permittee in addition to the moneys otherwise provided to be paid.

It should be understood that the commissions herein provided for will not affect the disposition of the proceeds arising from operations under the act, as provided in section 35 thereof; also that such commissions will be credited on compensation of registers and receivers only to the extent of the limitation provided by law for maximum compensation of such officers.

I. COAL LEASES.

7. **Leasing units.**—Under section 2 of the act, no coal land or deposits may be leased until after division into suitable leasing units or tracts. Such leasing units may be created by the Secretary of the Interior (a) pursuant to the petition of a qualified applicant, that is, qualified to take a lease under the act, or (b) on his own initiative.

Leasing units will not exceed 2,560 acres in area. All material factors, such as character and depth of the coal deposits, topography of the land, situation with respect to adjacent private holdings of coal lands, the proximity of rail or water transportation, and outlet for other lands in the immediate vicinity, as well as the investment reasonably required to provide the requisite development and operating facilities, will be given consideration in the establishment of leasing units.

Such leasing units will comprise contiguous tracts, except in cases where it appears that noncontiguous tracts can be practically worked on a single mine or unit.

Leasing units may include, in whole or in part, unsurveyed land, but a survey of the land will be made and the leasing unit conformed to such survey prior to the execution of a lease thereof.

8. **Minimum development.**—An actual *bona fide* expenditure for mine operation, development, or improvement purposes of the amount determined by the Secretary and stated in the lease offer hereinafter referred to is adopted as the minimum basis for granting leases, with the requirement that not less than one-third of the required investment shall be expended in development of the mine during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

If the investment to be made is fixed at more than \$10,000, the lessee shall furnish a bond, with approved corporate surety, conditioned upon compliance with the investment requirement and with the other terms of the lease. After the required investment has been made, a bond in the sum of \$5,000, with approved corporate surety, conditioned upon compliance with the terms of the lease, may be substituted for the \$10,000 bond.

In case of lease of a small area, where the investment to be made is \$10,000 or less, the lessee shall furnish a bond, with approved corporate surety or with two qualified individual sureties, to cover both the investment and compliance with the other terms of the lease, such bond to be in half the amount of the investment to be made but in no case less than \$1,000.

With bonds signed by individual sureties must be filed affidavits of justification by the sureties that each is worth, in real property,

not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities.

With such bonds must also be furnished a certificate by a judge or clerk of a court of record, a United States district attorney, a United States commissioner, or a United States postmaster, as to the identity, signatures, and financial competency of the sureties. All bonds will be examined from time to time as to their sufficiency, and additional security will be required whenever deemed necessary.

9. Petitions for leasing units.—Any person, association of persons, or corporation qualified to take a lease may file in the proper district land office a petition to divide coal lands into leasing units for purpose of lease. Such petition should set forth—

(a) Name and post-office address of petitioner.

(b) Statement showing qualifications of petitioner to take a lease under the act; proof of citizenship to be made by affidavit if native born; if naturalized, by certified copy (special form for land cases) of certificate thereof if copy is not already on file; if a corporation, by certified copy of the articles of incorporation; if a municipality, a showing of (1) the law or charter and procedure taken by which it became and exists a legal body corporate, (2) that the taking of a permit or lease is authorized under such law or charter, and (3) that the action proposed has been duly authorized by the governing body of such municipality; and the applicant must make affidavit that he or it is not disqualified to take a permit or lease under the provisions of section 27 of the act. Corporations must also submit a showing as to the residence and citizenship of its stockholders.

(c) Description of the land, by legal subdivisions if surveyed, or if not surveyed, by metes and bounds or natural monuments, with such particularity as to render possible its identification with certainty. Where possible, description of the land by the approximate subdivisions of the future survey should be given.

(d) Statement of the general situation of the land with respect to other mines, its topography, outlet to market, and transportation facilities.

(e) Character and extent of the coal deposits so far as known.

(f) The contemplated investment for the development and equipment of a producing mine of a stated average daily output.

(g) Maximum royalty petitioner is willing to pay if awarded lease of the land described in petition, or any specific portion thereof, together with a statement by or on behalf of petitioner that, in the absence of any better bid for lease of said land, he will, within 30 days from auction of lease, execute a lease therefor and comply with its terms in good faith.

10. Action by local office.—Registers and receivers will assign current serial numbers to such petitions, promptly note the petitions on their records, and transmit them to the General Land Office with report of the record status of the land described.

After receipt of such a petition, no filing for any of the land described therein will be accepted until so directed, except other petitions for dividing into leasing units.

11. Action on petition.—If the terms offered by the petitioner for lease of the land or deposits are considered tentatively acceptable as minimum terms for such land or deposits, examination, classification, and blocking the land into leasing unit or units will be directed. If it be found thereby that the land desired by the petitioner constitutes a suitable unit, and the terms offered by him are considered acceptable therefor, the land or deposits will be advertised for lease to the bidder offering the highest bonus for such lease on the same terms. But, if it be found as a result of such examination and blocking out, that the land does not constitute an acceptable leasing unit, or if the royalty offered, or investment contemplated, is considered inadequate, the petitioner will be so advised, and also of the form and area in which the land or deposits will be leased and the minimum terms on the basis of which lease will be offered for sale, whereupon the petitioner will be permitted to amend his offer to meet the terms required. If the offer is so amended, the leasing units will be advertised for lease to the bidder offering the highest bonus for such lease; but if no bidder offers a bonus for such lease, same will be awarded to the petitioner. In case the petitioner fails to make a satisfactory minimum lease offer, the leasing unit may or may not be offered for lease, in the discretion of the Secretary of the Interior.

12. Notice of offer.—When any coal lands are divided into leasing tracts, the appropriate district land office will be advised thereof, whereupon the register will publish a notice for a period of 30 days in a newspaper of general circulation in the county in which the lands or deposits are situated, of the offer of the land for lease, and the date and hour on which bids will be received at his office, such date to be not earlier than the last day of publication. The notice will describe the land, state the amount of royalty and rental to be charged, and the minimum investment required, and that the sale of lease will be made at public auction at the time fixed to the qualified bidder offering the highest bonus for the privilege of leasing the land on the terms set forth. A copy of the notice will also be posted in the land office during publication thereof. Publication of the offer will be at the expense of the Government.

All bidders at any public sale of leases are warned against committing any act by intimidation, combination or unfair management, to hinder or prevent bidding thereat, in violation of section 59 of the Criminal Code of the United States, approved March 4, 1909.

13. Auction of lease.—At the time fixed in the notice, the register or receiver will, by public auction at his office, offer the land or deposits for lease on the terms and conditions fixed in the notice to the qualified bidder of the highest amount offered as a bonus for the

privilege of leasing the land, subject to the approval of the Secretary of the Interior. The successful bidder must deposit with the receiver on the day of sale a certified check or cash, for one-fifth of the amount of his bid, such sum to be deposited by the receiver in his account "Trust funds—Unearned money."

14. Right to reject bids.—The right is reserved by the Secretary of the Interior to reject any and all bids; and should a bid be rejected, the deposit made by the bidder will be returned.

15. Action by bidder.—The successful bidder will be allowed 30 days from date of auction within which (a) to file in the district land office a lease, duly executed by him in triplicate in the form herein prescribed (par. 18); (b) to file evidence of qualifications as prescribed by paragraph 9 (b) hereof, unless such evidence has theretofore been filed; (c) to file the bond required by Section 2 (b) of the lease, or U. S. bonds in lieu thereof under the act of February 24, 1919 (40 Stat., 1148); (d) to pay the remainder of the bonus bid by him and the annual rental for the first year of the lease, together with the required filing fee of \$2 for each 160 acres of land, or fraction thereof, but in no case less than \$10.

16. Action by district officers.—At the end of the 30 days allowed the successful bidder, or sooner, if the foregoing be complied with by him, the local officers will forward by special letter all papers with full report of action taken. In case of default, the amount deposited by the bidder will be forfeited, and disposed of as other receipts under this act.

17. Modifications of leases.—Under section 3 of the act, where a lease has been issued, modifications may be secured to include therein additional contiguous coal lands or coal deposits, not exceeding a total of 2,560 acres in the lease. Under section 4 of the act, upon satisfactory showing by the lessee that all of the workable coal within a tract covered by the lease will be exhausted, worked out, or removed within three years thereafter, additional tracts may be leased, which, including the lands or deposits remaining in the lease, shall not exceed 2,560 acres, such lease of additional lands to be made under similar procedure and on the same conditions as original leases.

18. Form of lease.—Leases hereunder will be in substance as follows:

U. S. Land Office at _____
Serial No. _____

THE UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR.

MINING LEASE OF COAL LANDS UNDER ACT OF FEBRUARY 25, 1920.

This indenture of lease, entered into, in triplicate, this _____ day of _____, A. D. 19____, by and between the United States of America, acting in this behalf by _____ Secretary of the Interior, party of the first part, hereinafter called the lessor, and _____ of _____ party of the second part, hereinafter

called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress, approved February 25, 1920 (41 Stat., —), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," hereinafter called the "act."

WITNESSETH:

That the lessor, in consideration of the rents and royalties to be paid and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine and dispose of all the coal in, upon, or under the following-described tracts of land, situated in the State of _____, to wit: _____, containing _____ acres, more or less, together with the right to construct all such works, buildings, plants, structures, and appliances as may be necessary and convenient for the mining and preparation of the coal for market, the manufacture of coke or other products of coal, the housing and welfare of employees, and subject to the conditions herein provided, to use so much of the surface as may reasonably be required in the exercise of the rights and privileges herein granted.

Purposes.

Description of
land.
Mining and
surface rights.

SECTION 1. That the lessor expressly reserves:

(1a) The right to permit for joint or several use such easements or rights of way, including easements in tunnels upon, through, or in the land leased, occupied, or used as may be necessary or appropriate to the working of the same or other lands containing the deposits described in said act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

Rights reserved
by lessor. Easements.

(1b) The right to lease, sell, or otherwise dispose of the surface of said lands or any part thereof under existing law or laws hereafter enacted, in so far as said surface is not necessary for the use of the lessee in the mining and removal of the coal therein, and to lease other mineral deposits in the lands, under the provisions of said act.

Disposition of
surface.

(1c) Full power and authority to carry out and enforce all the provisions of section 30 of said act to insure the sale of the production of said leased lands to the United States and to the public at reasonable prices, to prevent monopoly; and to safeguard the public welfare.

Monopoly and
fair prices.

SEC. 2. The lessee in consideration of the lease of the rights and privileges aforesaid hereby covenants and agrees as follows:

(2a) To invest in actual mining operations, development, or improvements upon the land leased, or for the benefit thereof, the sum of _____ dollars, of which sum not less than one-third shall be so expended during the first year succeeding the execution of this instrument and a like sum each of the two succeeding years, unless sooner expended; and submit annually, at the expiration of each year for the said period, an itemized statement of the amount and character of said expenditure during such year.

Investment.

(2b) To furnish a bond in the sum of \$10,000, conditioned upon the expenditure of the amount specified in (2a) hereof, and after said investment has been made, a similar bond in the

Bond.

sum of \$5,000, conditioned upon compliance with the terms and provisions of this lease.

Annual rental.

(2 c) To pay as an annual rental for each acre or part thereof covered by this lease the sum of 25 cents per acre for the first year, payment of which amount is hereby acknowledged, the sum of 50 cents per acre per year for the second, third, fourth, and fifth years, and \$1 per acre for the sixth and each succeeding year during the life of this lease, all such annual payments of rental to be made to the receiver of the United States Land Office of the district in which said land is situated, on the anniversary of the date hereof, and to be credited on the first royalties to become due hereunder during the year for which said rental was paid.

Royalty.

(2 d) To pay to such receiver a royalty of ----- cents on every ton of 2,000 pounds of coal mined during the first 20 years succeeding the execution of this lease. Royalties shall be payable quarterly within 30 days from the expiration of the quarter in which the coal is mined.

Record of coal mined.

(2 e) To determine accurately the weight of all coal mined from the leased premises, and to accurately enter the weight or weights thereof in due form in books to be kept and preserved by the lessee for such purpose.

Quarterly reports.

(2 f) To furnish quarterly, within 30 days after the expiration of the quarter, a written report covering such quarter, certified under oath by the superintendent of the mine, or by such other agent having personal knowledge of the facts as may be designated by the lessee for such purpose, showing the number of tons of 2,000 pounds of coal mined during the quarter, the character and quality thereof, amount of coal and products and by-products thereof disposed of and price received therefor, amount of coal and its products in storage or held for sale, and amount used in operations under this lease.

Annual reports.

(2 g) Also to furnish annually, and at such other times as the Secretary of the Interior may require, in the manner and form prescribed by the Secretary of the Interior, plat, map, or tracings showing all development work and improvements upon the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon the leased lands, a statement as to the amount and grade of coal produced and sold, and amount received therefor by operations hereunder, and, if a corporation, the amount of capital stock and list of its stockholders.

Mine maps.

(2 h) To keep at the mine office clear, accurate, and detailed maps, on a scale not more than 200 feet to the inch, in the form of horizontal projections on tracing cloth, of the workings in each coal bed in each separate mine on the leased lands, a separate map to be made for each such bed, and for the surface immediately over the underground workings, and to be so arranged with reference to a public land corner that the maps can be readily superimposed.

Detailed map of workings.

Each map of the workings in any coal bed shall show the thickness of the coal and of partings, and the dip and strike of each bed at intervals of 500 feet or less; the location of all

openings connecting such bed with the workings in any other bed, or with any adjacent mine, or with the surface; the location of all entries, gangways, rooms, or breasts, and all other mine openings, shafts, airways, appliances, and devices, constructed or placed in the mine or any of the workings thereof; and such maps shall also show the elevation relative to sea level or a Government survey corner of the principal points of the various beds and workings.

Blueprints or reproductions in duplicate of the maps required as aforesaid shall be furnished the lessor when made, and supplemental prints or reproductions in duplicate furnished on or before the first day of each succeeding year, showing the extensions, additions, and changes since the last map or supplement was submitted. All mine progress maps kept by the lessee shall at all times be subject to examination by lessor.

(21) That, beginning with the fourth year of the lease, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, the lessee shall mine and pay a royalty on not less than ----- tons of coal per year, unless on application and showing made, operations shall be suspended for not exceeding six months at any one time, pursuant to section 7 of the act; or unless the lessee shall pay the royalty less rent, on such minimum amount of coal, for one year in advance, in which case operations may be suspended for that year.

(22) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the leased premises without the written consent of the lessor being first had and obtained.

SEC. 3. It is mutually understood and agreed that the lessor shall have the right to readjust and fix the royalties payable hereunder and other terms and conditions at the end of 20 years from the date hereof, and thereafter at the end of each succeeding 20-year period during the continuance of this lease unless otherwise provided by law at the time of the expiration of any such period, but in case the lessee be dissatisfied with the rate of royalty or other terms and conditions so fixed, he may terminate this lease in the manner and under the conditions provided in sections 6 (b) and 6 (c) hereof.

SEC. 4. This lease is made subject to the following provisions, which the lessee accepts and covenants faithfully to perform and observe, unless the laws of the State where the leased land or deposits are situated otherwise provide, in which case such State laws control:

(4a) The lessee shall carry out and observe regulations prescribed by the Secretary of the Interior and in force at the date hereof relative to (1) reasonable diligence, skill, and care in the operation of said property in accordance with approved methods and practices; (2) the prevention of undue waste; (3) the safety and welfare of miners; and (4) insuring the fair and just weighing or measurement of the coal mined by each miner.

(4b) And also shall pay all miners and other employees, both above and below ground, at least twice each month in lawful money of the United States, and shall permit such miners and

Progress maps.

Royalty on minimum production.

Assignment of lease.

Readjustment of terms.

Operating regulations.

Payment of wages.

- Freedom of purchase. other employees full and complete freedom of purchase, but with a view to increasing safety this provision shall not apply to the purchase of explosives, detonators, or fuses; and shall not require or permit miners or other employees, except in case of emergency, to work underground for more than eight hours in any one workday, and shall not employ any boy under the age of 16 years, or any girl or woman without regard to age in any mine below the surface.
- Eight-hour workday.
- Inspection. SEC. 5. And the lessee also expressly agrees that all mining and related operations shall be subject to the inspection of authorized representatives of the lessor, and that such representatives, with all proper and necessary assistants, may at all reasonable times enter into and upon the leased lands and survey and examine same and all surface and underground improvements, works, machinery, equipment, and operations.
- Examination of books and records. (5 a) And also shall permit the lessor to examine all books and records pertaining to operations under this lease, and to make copies of and extracts from any or all of same, if desired.
- Operations on adjoining lands. (5 b) And also shall permit the lessor or its lessees or transferees, with the approval of the lessor, to make and use upon or under the leased lands any workings necessary for freeing any other mine from water or gas, or extinguishing fires, causing as little damage or interference as possible to or with the mine or mining operations of the lessee hereunder; provided, that any such use by a transferee or another lessee shall be conditioned upon the payment to the lessee hereunder of the amount of actual damages sustained thereby and adequate compensation for such use.
- Result of forfeiture. (5 c) And also shall, at the termination of this lease, as the result of forfeiture thereof, pursuant to paragraph (6 d), deliver up to the lessor the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, other than strictly personal property, situate on any of said lands, in good order and condition, so as to permit of immediate continued operation to the full extent and capacity of the leased premises.
- Waiver of conditions. SEC. 6. It is further mutually understood and agreed as follows: (6 a) That the lessor may, in writing, waive any breach of the covenants and conditions contained herein, except such as are required by the act, but any such waiver shall extend only to the particular breach so waived, and shall not limit the rights of the lessor with respect to any future breach; nor shall the waiver of a particular cause of forfeiture prevent cancellation of this lease for any other cause, or for the same cause occurring at another time.
- Surrender of lease. (6 b) The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease upon payment of all rents, royalties, and other debts due and payable to the lessor and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; and the lessee may with like consent surrender any legal subdivision of the area included within the lease; but in no case shall such termination

be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered hereby.

(6c) That on the termination of this lease, pursuant to the last preceding paragraph, the lessor, his agent, licensee, or lessee shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment, and tools, placed by the lessee in or on the land leased hereunder, save and except all underground timbering, and such other supports and structures as are necessary for the preservation of the mine, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid, shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party thereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings or other property shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property, except said timbering and other supports and structures, as are necessary for the preservation of the mine, as aforesaid.

Privilege of
purchasing equip-
ment

(6d) If the lessee shall fail to comply with the provisions of the act or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at date hereof, the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 31 of the act, but this provision shall not be construed as depriving the lessor of any legal or equitable remedy which the lessor might otherwise have.

Forfeiture.

SEC. 7. It is further covenanted and agreed that, should the lessee fail to take prompt and necessary steps to prevent loss or damage to the mine, property, or premises, or danger to the employees, the lessor may enter on the premises and take such measures as may be deemed necessary to prevent such loss or damage or to correct the dangerous or unsafe condition of the mine or works thereof, which shall be at the expense of lessee.

Action by lessor
to prevent loss or
damage.

SEC. 8. It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Continuing ob-
ligation.

SEC. 9. It is also further agreed that no member of or delegate to Congress, or resident commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes

Unlawful in-
terest.

of the United States and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat., 1109), relating to contracts enter into and form a part of this lease so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA,

By _____
Secretary of the Interior, Lessor.

Lessee.

Witnesses.

II. COAL PROSPECTING PERMITS.

19. Character of lands.—Permits are authorized by section 2 of the act to be issued to qualified applicants to prospect unclaimed, undeveloped lands where prospecting or exploratory work is necessary to determine the existence or workability of the coal deposits.

20. Area.—Permits will be issued for tracts of not exceeding 2,560 acres of contiguous lands, or, if not contiguous, in reasonably compact form, considering the reasons for not including a contiguous area. Where lands included in a permit have been or may be disposed of with reservation of the coal deposits, a permittee must make full compliance with the law under which such reservation was made, reference being made to the acts of March 3, 1909 (35 Stat., 844); June 22, 1910 (36 Stat., 583); December 29, 1916 (39 Stat., 862), and other laws authorizing such reservations.

21. Rights conferred.—A permit will entitle the permittee to the exclusive right to prospect for coal on the land described therein. In the exercise of this right, the permittee shall be authorized to remove from the premises only such coal as may be necessary in order to determine the workability and commercial value of the coal deposits in the land.

22. Application for permit.—Applications for permits shall be filed in the proper district land office, and, after due notation thereof on the records, forwarded to the General Land Office with report of status of the land affected. No specific form of application is required and no blanks will be furnished, but it should cover, in substance, the following points:

- (a) Applicant's name and address;
- (b) Proof of citizenship and qualifications to take a lease as required by paragraph 9 (b) hereof;
- (c) Description of land for which a permit is desired by legal subdivision if surveyed, and by metes and bounds and such other description as will identify the land if unsurveyed. If unsurveyed,

a survey sufficient to identify more fully and segregate the land may be required before permit is granted;

(d) Condition of coal occurrences, so far as determined; description of workings, and outcrops of coal beds, if any, and reason why the land is believed to offer a favorable field for prospecting for coal;

(e) Detailed plan and method of conducting prospecting or exploratory operations on the land, estimated cost of carrying out such proposed prospecting operations, and the diligence with which such operations will be prosecuted;

(f) Brief statement of applicant's experience in coal mining operations, if any, together with one or more references as to his reputation and business standing.

(g) The applicant must furnish a bond with qualified corporate surety or with two qualified individual sureties (with evidence of qualification as provided in paragraph 8), the bond to be in the sum of \$500 and conditioned upon compliance with the terms of the permit and against failure of the permittee to use reasonable precaution to prevent damage to the coal deposits or to leave the premises in a safe condition upon the termination of the permit. Bond in the sum of \$1,500 will be required where the permit embraces land entered or patented with the coal reserved under the act of June 22, 1910 (36 Stat. 583), or where any part of the land is within a reclamation project. The bond may be filed with the application, which will expedite action thereon, or within 30 days after receipt of notice by the applicant that the permit will be granted when the bond is filed.

The application must be under oath of the applicant, or if a corporation, of one of its officers theretofore duly authorized.

23. Form of permit.—On receipt of the application, if found sufficient and the lands subject thereto, a permit will be issued, of which the district land office will be advised. Permits will be in substantially the following form:

U. S. Land Office at _____
Serial No. _____

THE UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR.

COAL PROSPECTING PERMIT.

Know all men by these presents, that the Secretary of the Interior, under and by virtue of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, approved February 25, 1920 (Public No. —), has granted and does hereby grant a permit to _____ of the exclusive right for a period of two years from date hereof to prospect for coal the following described lands: _____ but for no other purpose, under the provisions of said act and upon the following express conditions, to wit:

1. To begin prospecting work within 90 days from date hereof and to diligently prosecute the same during the period of such permit in accordance with the following plan: _____

2. To remove from said premises only such coal or other material as may be necessary to prospecting work, and to keep a record of all coal mined and disposed of, payment of a royalty thereon of 25 cents per ton of 2,000 pounds to be made to the receiver of the district land office not later than during the calendar month succeeding that during which such coal was disposed of.

3. To afford all facilities for inspection of the prospecting work on behalf of the Secretary of the Interior, and to make report on demand of all matters pertaining to the character, progress, and results of such work.

4. To observe such conditions as to the use and occupancy of the surface of the land as provided by law, in case any of said lands shall have been or may be entered or patented with a reservation of the coal deposits to the United States.

Expressly reserving to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through or in the land embraced herein as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in said act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes; also reserving to the United States the right to lease, sell or otherwise dispose of the surface of said lands under existing law or laws hereafter enacted in so far as said surface is not necessary for the use of the permittee in prospecting hereunder, and *further reserving* the right and authority to cancel this instrument for failure of the permittee to comply with any of the conditions hereof, after 30 days' notice of the reasons for such cancellation.

Valid existing rights acquired prior hereto on the lands described herein will not be adversely affected hereby.

Dated this _____ day of _____, 19__.

Secretary of the Interior.

24. Leases to permittees.—A qualified permittee who has shown, within the period of the permit, that the land included therein contains coal in commercial quantities, will be entitled to a lease for such land, or part thereof as the permittee may desire, upon due application and publication of notice thereof. The application for lease should be filed in the proper district land office before the expiration of the period of the permit. An application for lease under this section should describe the land desired, and set forth fully and in detail the extent and mode of occurrence of the coal deposits as disclosed by the prospecting work performed under the permit. Such leases will be granted without competitive bidding, on rents and royalties to be fixed by the Secretary of the Interior, and otherwise substantially in the form of lease provided in section 18 of these regulations.

III. LIMITED LICENSE TO MINE COAL.

Under section 8 of the act, the Secretary of the Interior is authorized to issue limited licenses to individuals and associations of individuals to mine and take coal for their own use, but not for sale, without the payment of any rent or royalty, and such licenses may be issued to municipalities to mine and dispose of coal without profit to their residents "for household use." Attention is called to the

fact that, under this section, an individual or association of individuals may mine and take coal under such a license for his or their own strictly local domestic needs for fuel, whatever such use may be, but in no case for barter or sale; while a municipality may under such a license supply coal to its residents for household use only, which excludes mining coal by a municipality either for its own use or use of its residents other than for household purposes, thus barring factories, stores, heating and lighting plants and other business establishments.

25. Area and duration.—(a) A license to an individual or association, in the absence of unusual conditions or necessity, will be limited as to area to a legal subdivision of 40 acres or less; and may be revoked at any time, and such license will expire by limitation at the end of two years from date of issuance, unless timely renewed on application filed and proper showing made prior to expiration of the two-year period.

(b) Licenses to municipalities are limited as to area by the provisions of the act, as follows: Not to exceed 320 acres for a municipality of less than 100,000 population, not to exceed 1,280 for a municipality of not less than 100,000 and not more than 150,000 population, and not to exceed 2,560 acres for a municipality of 150,000 population or more. Licenses to municipalities will expire by limitation at the end of four years from date of issuance, unless renewed; but every such licensee must make to the Commissioner of the General Land Office an annual report of all operations conducted under such license.

26. Application for license.—Application for such limited license must be filed in duplicate in the district land office having jurisdiction over the land, in the form herein provided. A municipality must file with the application a showing of (1) the law or charter and procedure taken by which it became and exists a legal body corporate, (2) that the taking of a license is authorized under such law or charter, and (3) that the proposed action has been duly authorized by the governing body of the municipality. Appropriate serial number will be assigned to such application, notation made thereof on the office records, and the application promptly forwarded to the General Land Office with report of status of the lands.

27. Form of application—License.—An application in substantially the following form, approved by the Secretary of the Interior, will constitute the license; one copy will be retained for the land office records and the other returned to the licensee. Blank forms of applications will be printed and available in the district land offices.

THE UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR.

U. S. Land Office at _____
Serial No. _____

APPLICATION FOR LICENSE TO MINE COAL UNDER SECTION 8 OF
THE ACT OF FEBRUARY 25, 1920.

_____,
19__
The COMMISSIONER OF THE GENERAL LAND OFFICE,

Washington, D. C.

SIR: The undersigned _____ of _____, hereby appl _____ for a license to prospect for, mine, and remove coal from the following described land _____ containing approximately _____ acres, situated within the _____ land district, State of _____, and in support of this application make the following representations as to qualifications to receive a license _____

_____ The purpose for which the coal mined hereunder is to be used is: _____ for which approximately _____ tons are required annually.

In consideration of the granting of the license applied for, the applicant hereby agrees to the following express terms and conditions, to wit:

1. That only so much of the surface of the land as may be necessary to prospecting and mining operations hereunder shall be used or occupied by said licensee, and the right is reserved by the Secretary of the Interior to dispose of any portion of said land not already disposed of with reservation of the coal deposits under the act of June 22, 1910 (36 Stat., 583), or other acts authorizing such disposition, such licensee to observe in prospecting and mining operations hereunder all provisions of the laws under which any part of the land has been or may hereafter be disposed of with reservation of the coal deposits therein.

2. That all prospecting, mining and removal of coal hereunder shall be conducted in accordance with approved methods and practice, considering the extent of the operation; that no underground working shall be abandoned until all the available coal is taken therefrom; that due provision shall be made for the prevention of fires in the mine or mines opened hereunder and for the safety of the miners or other workmen engaged therein, and reasonable diligence, skill, and care shall be exercised in all mining operations hereunder; and shall carry out and observe any regulations prescribed by the Secretary of the Interior, and in force at the date hereof, relative to the foregoing provisions in this paragraph; and on termination the licensee to leave the premises in a safe condition for future mining operations.

3. That the license is granted for a period of _____ years from the date hereof, subject to an extension at the end of such period for a like term of years upon application for such extension and satisfactory showing as to the mining of coal from the land, giving the amount of coal mined, the disposition made thereof, the condition of the mine, and the amount of coal remaining in the land which can be mined.

4. That the right is reserved to cancel and recall this license at any time, after 30 days' notice of such purpose, for failure to mine and use the coal deposits in accordance with the conditions and provisions of said act, or for committing waste or other unnecessary damage to the land or the deposits therein, for abandonment or nonuse or for other violation of the terms of this license;

that in case this license is canceled prior to its expiration, or expires by limitation, all mining machinery, tools and appliances placed thereon by said licensee shall be removed within 60 days from date of expiration of notice of such cancellation; otherwise, said machinery, tools, and appliances to become the property of the United States: *Provided*, That no underground support or structure necessary for the preservation of the mine shall be removed.

5. That the right is reserved to the Secretary of the Interior to permit, upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in said lands as may be necessary or appropriate to the working of the same, or of other lands containing coal, or other deposits described in said act, and the treatment and shipment of the products thereof by or under authority of the United States, its lessees, or permittees, and for other public purposes; also the right to dispose of the land, or any deposits therein, under laws authorizing such disposition with reservation of the coal deposits to the United States and the right to prospect for, mine, and remove the same.

6. That said permittee, if a municipality, shall submit to the Secretary of the Interior annually on the anniversary of the date hereof a complete and detailed report of operations under the permit, together with a map or maps showing the mine workings, giving character and dimensions of underground work performed, buildings and structures erected, and machinery installed during the year; size of the coal vein mined and its dip and strike, character of the coal, amount of coal mined, amount on hand or in stock and where stored, number of miners employed, total amount of wages paid miners and other employees, number of other employees, total salaries paid, cost of supplies and other operating expenses, amount of coal and its products sold and amount received therefor, giving a full statement of the operations under the permit.

Subscribed and sworn to by -----, this ----- day of -----, 19--

[Signature of applicant.]

Approved:

Secretary of the Interior.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved April 1, 1920.

JOHN BARTON PAYNE,
Secretary of the Interior.

AN ACT TO PROMOTE THE MINING OF COAL, PHOSPHATE, OIL, OIL SHALE, GAS AND SODIUM ON THE PUBLIC DOMAIN.

(Public No. 146, 41 Stat., —.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands

withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

COAL.

SEC. 2. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided further*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit: *And provided further*, That no lease of coal under this Act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated: *And provided further*, That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing herein shall preclude such a

railroad of less than two hundred miles in length from securing and holding one permit or lease hereunder.

SEC. 3. That any person, association, or corporation holding a lease of coal lands or coal deposits under this Act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres.

SEC. 4. That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease.

SEC. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this Act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands.

SEC. 6. That where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no

case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss.

SEC. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this Act as in his opinion will safeguard the public interests: *Provided*, That this privilege shall not extend to any corporations: *Provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one thousand two hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this Act shall be no bar to the holding of such tract or operation of such mine under said limited license.

[Secs. 9 to 12 inclusive apply to phosphates,

Secs. 13 to 20 inclusive apply to oil and gas,

Sec. 21 applies to oil shales,

Sec. 22 applies to oil and gas in Alaska,

Secs. 23 and 25 inclusive apply to sodium.]

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE,
AND GAS LEASES.

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him.

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corpora-

tions holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States, are hereby granted for pipe line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be

ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however*,

That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act.

Approved, February 25, 1920.

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P.O. Box 25047
Denver, CO 80225

Circular No. 683.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 15, 1920.

Registers and Receivers,

U. S. Land Offices.

Sirs:

My attention has been called to the fact that some local land offices are making use of the extra large size Manila envelope, Item 455, 10 x 15 inches, in transmission of single sheet reports. This is bad practice and in the interest of conservation of paper and in view of the cost of envelopes, we should economize as far as we can, and therefore I have to instruct that when you have only one or two or a few sheets to transmit through the mails, you will not use these expensive envelopes for the purpose.

Very respectfully,

CLAY TALLMAN,

Commissioner.

(2002)

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See Cir. 1425
CIRCULAR NO. 684 *See Cir. 1860*

OFFERINGS AT PUBLIC SALE

Section 2455, Revised Statutes, as Amended

APPROVED APRIL 7, 1928

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

REGISTERS, UNITED STATES LAND OFFICES.

SIRS: The sale of isolated tracts of unreserved public land and tracts not isolated, but which are mountainous or too rough for cultivation, is authorized by section 2455 of the Revised Statutes (section 1171, title 43, United States Code), as amended by the acts of June 27, 1906 (34 Stat. 517), March 28, 1912 (37 Stat. 77), and March 9, 1928 (Public, No. 119). Special provisions as to lands in western Nebraska are found in the act of March 2, 1907 (34 Stat. 1224).

The present instructions constitute a revision of those of February 25, 1926 (51 L. D. 357).

GENERAL REGULATIONS

1. Applications to have isolated tracts ordered into market must be filed with the register of the local land office for the district wherein the lands are situated except in the States of Alabama, Kansas, Louisiana, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Ohio, Oklahoma, and Wisconsin. These States have no district land office, and applications for land therein should be forwarded to the Commissioner of the General Land Office, Washington, D. C.

2. Applicants must show by their affidavits, corroborated by at least two witnesses, that the land contains no salines, coal, or other minerals; the amount, kind, and value of timber or stone thereon, if any; whether the land is occupied, and if so, the nature of the occupancy; for what purpose the land is chiefly valuable; why it is desired that same be sold; that applicant desires to purchase the land for his own individual use and actual occupation and not for speculative purposes; and that he has not heretofore purchased under section 2455, Revised Statutes, or the amendments thereto, isolated tracts, the area of which when added to the area applied for will exceed approximately 320 acres; and that he is a citizen of the United States or has declared his intention to become such. Also a duly corroborated affidavit showing that no spring or water hole exists, if it be a fact, upon any legal subdivision of the land applied for; or if there be any spring or water hole, the affidavit should state the exact location and size thereof, together with an estimate of the quantity of water in gallons which it is capable of producing daily. If applicant has heretofore purchased lands under the provisions of the acts relating to isolated tracts, same must be described in the application by subdivision, section, township, and range.

These provisions are modified, however, in the class of cases referred to in paragraph 5 (b).

3. The affidavits of applicants to have isolated tracts ordered into market and of their corroborating witnesses may be executed before any officer having a seal and authorized to administer oaths in the county or land district in which the tracts described in the applications are situated. Affidavits relating to lands in those States having no local office may be executed anywhere within the State.

4. The officer before whom such affidavits are executed will cause each applicant and his witnesses to fully answer the questions contained upon the accompanying form and, after the answers to the questions therein contained have been reduced to writing, to sign and swear to same before him.

5. (a) No sale will be authorized upon the application of a person who has purchased under section 2455, Revised Statutes, or the amendments thereto, any lands the area of which, when added to the area applied for, shall exceed approximately 320 acres.

(b) Where one or more tracts, each not exceeding 120 acres in area, are entirely surrounded by land owned by the applicant and have been isolated for five or more years, an offering may be allowed without regard to the limitations as to extent of purchases by the applicant, set forth in paragraphs 2 and 5 (a), provided the lands sought are not valuable for farming but are chiefly valuable for grazing or for special use in connection with the adjoining lands. Applicants under this subparagraph must furnish proof of ownership of the land surrounding that applied for; also detailed evidence as to the character of the land applied for, particularly with respect to its comparative values for farming, grazing, and special use in connection with the adjoining lands, which evidence must consist of an affidavit by the applicant corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts. In other respects these cases are governed by the general regulations.

6. No tract exceeding approximately 320 acres in area will be ordered into the market. An application may include several incongruous tracts provided their aggregate area does not exceed 320 acres. Each tract will be offered separately and certificates will be issued under different numbers unless they are bought by the same person.

7. No tract of land will be deemed isolated and ordered into the market unless, at the time application is filed, the said tract has been subject to homestead entry for at least two years after the surrounding lands have been entered, except in cases where some extraordinary reason is advanced which may be found sufficient to warrant waiving this restriction.

8. The register will, on receipt of applications, note same upon the tract books of his office, and if the applications are not properly executed or not corroborated he will reject the same, subject to the right of appeal. Applications found to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition under the provisions of paragraph 7, or if all the land is appropriated, the register will reject the application subject to the usual right of appeal; if part of the tract is appropriated, he will reject the application as to that part, and, in the absence of an appeal after the usual notice, he will eliminate the description thereof from the application and take further action as though it had never been included therein. Where an appeal is filed,

the Commissioner of the General Land Office, if he decides to order into market a part, or all, of the lands, will call upon the register and the division inspector for the reports as next provided for, concerning the value of the land. Adverse action by the commissioner will be subject to appeal to the Secretary of the Interior.

(b) If all the land applied for is vacant and not withdrawn or otherwise reserved from such disposition and the status of the surrounding lands is such that a sale might properly be ordered under paragraph 7, the register, after noting the application on his records, will promptly forward the same to the division inspector for report as to the value of the land and any objection he may wish to interpose to the sale, and the register will make proper notations on his schedule or serial numbers in the event the application is not returned in time to be forwarded with the current returns. Upon receipt of the application from the division inspector with his report thereon, the register will attach his report as to the status of the land and that surrounding, the value of the land applied for, if he has any knowledge concerning the same, and any objection to the sale known to him, and forward the papers to the General Land Office with the current returns.

9. An application for sale will not segregate the land from entry or other disposal, for such lands may be entered at any time before the receipt in the local land office of the letter authorizing the sale and its notation of record or, as to land in those States having no local officer, before the date of the order of sale. If any or all of the land applied for be entered or filed upon while the application for sale is in the hands of the division inspector, the register will so advise him; if all the land be thus entered or filed upon he will request the return of the application for forwarding to the General Land Office.

If all of the land applied for be entered or filed upon at any time prior to receipt of a letter from the General Land Office authorizing an offering, the register will at once close the case on his records, notify the applicant of the action, and promptly report the facts to said office, where the matter will be closed on its records without letter; similarly, a case will be closed in part and like notice and report will be sent if an entry or filing be made for part of the land involved.

10. Upon receipt of letter authorizing the sale the register will at once examine the records to see whether the tract, or any part thereof, has been entered. If the examination of the record shows that all of the tract has been entered or filed upon, the register will not promulgate the letter authorizing the sale, but will report the facts to the General Land Office, whereupon the letter authorizing the sale will be revoked. If a part of the land has been entered, he will so report and note on the tract book, opposite such portion of the tract as is found to be clear, that sale has been authorized, giving the date of the letter. Thereupon the land will be considered segregated for the purpose of sale. The minimum price set by the order for sale should also be noted on the records. In the event no sale is had the price so noted will be effective as to any subsequent application for offering, filed within three years after the date of the report of the division inspector.

The register will prepare a notice for publication on the form hereinafter given, describing the land found to be unentered, and fixing a

date for the sale, which date must be far enough in advance to afford ample time for publication of the notice, and for the affidavit of the publisher to be filed in the local land office prior to the date of the sale. The register will also designate a newspaper as published nearest to the land described in the notice. The notice will be sent to the applicant with instructions that he must publish the same at his expense in the newspaper designated by the register. Payment for publication must be made by applicant directly to the publisher, and in case the money for publication is transmitted to the register he must issue receipt therefor and immediately return the money to the applicant by his official check, with instructions to arrange for the publication of the notice as hereinbefore provided.

If evidence of publication is not filed at or before the time set for the offering, the register will close the case on his records, and will report the default to the General Land Office, which will, without letter, close the case on its records.

11. Notice must be published for 30 days preceding the date set for the sale, and a sufficient time should elapse between the date of last publication and the date of sale to enable the affidavit of the publisher to be filed in the local office. The notice must be published in the paper designated by the register as nearest the land described in the application. If this be a daily paper, the publication must be inserted in 30 consecutive issues; if daily except Sunday, in 26; if weekly, in 5; and if semiweekly, in 9 consecutive issues. The register will cause a similar notice to be posted in his office, such notice to remain posted during the entire period of publication. The applicant must file in the local office, prior to the date fixed for the sale, evidence that publication has been had for the required period, which evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice published.

12. At the time and place fixed for the sale the register will read the notice of sale and allow all qualified persons an opportunity to bid. Bids may be made through an agent personally present at the sale, as well as by the bidder in person. The register conducting the sale will keep a record showing the names of the bidders and the amount bid by each. Such record will be transmitted to this office with the other papers in the case.

When all persons present shall have ceased bidding, the register will, in the usual manner, declare the sale closed, announcing the name of the highest bidder; the highest bid will be accepted and the offerer thereof (or his principal) will be declared the purchaser, provided he immediately pay to the register the amount of the bid; in the absence of such payment the register will at once proceed with the sale, excluding bids by him, and starting with the highest bid not withdrawn. The accepted bidder must, within 10 days after the sale, furnish evidence that he is a citizen of the United States or has declared his intention to become such; also, a nonmineral affidavit or (in the States where that is sufficient) a nonsaline affidavit. Upon the filing of these papers the register will issue final cash certificate.

13. No lands will be sold at less than the price fixed by law, nor at less than \$1.25 per acre; but a minimum price will be set by the letter ordering the sale, based upon the report of the division inspector. Should any of the lands offered be not sold, the same will not be regarded as subject to private entry unless located in the State of

Missouri (act of March 2, 1889, 25 Stat. 854), but may again be offered for sale in the manner herein provided.

14. After each offering where the lands offered are *not* sold, the register will close the case on his records and report by letter to the General Land Office. No report by letter will be made when the offering results in a sale; but the register will issue cash papers as in ordinary cash entries, noting thereon the date of the letter authorizing the offering, and report the same in his current returns. With the papers must also be forwarded the affidavit of publisher showing due publication and the register's certificate of posting. In all cases where no sale is had the land will, in the absence of other objections, become subject to entry or filing at once without action by this office.

ACT OF MARCH 9, 1928 (PUBLIC NO. 119)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2455 of the Revised Statutes of the United States (section 1171, title 43, United States Code), as amended, be, and is hereby, amended to read as follows:

"Sec. 2455 (section 1171, title 43, United States Code). It shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than \$1.25 an acre, any isolated or disconnected tract or parcel of the public domain not exceeding three hundred and twenty acres which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land office of the district in which such land may be situated: *Provided*, That any legal subdivisions of the public land, not exceeding one hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: *Provided further*, That this section shall not defeat any valid right which has already attached under any pending entry or location."

REGULATIONS UNDER FIRST PROVISIO TO ACT OF MARCH 9, 1928

15. The first proviso to the act copied above authorizes the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands. Applications will be disposed of by you in accordance with the "General Regulations," except paragraph 7, which is not applicable. Applications may be made upon the form provided (4-008b) and printed herein, properly modified as necessitated by the terms of the proviso. In addition the applicant or applicants must furnish proof of his or their ownership of the whole title to adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the proviso or purchased under section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

No person will be allowed more than one application under this proviso, except that two or more applications may be allowed to the same person if all the lands sought adjoin the same body of land owned by the applicant or included in his pending entry. An application under the first proviso will be rejected in all cases where the applicant has purchased under section 2455, or the amendments thereto, an area which, when added to the area applied for, shall exceed approximately 160 acres.

In acting on applications for offering under the proviso, regard will be had to the character of each subdivision applied for, as reported by the division inspector, and offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole.

16. In the notices for publication and posting, where sale is authorized under the proviso, you will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation."

ISOLATED TRACTS OF COAL LAND

17. The act of Congress approved April 30, 1912 (37 Stat. 105), provides:

That * * * unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall * * * be subject * * * to disposition * * * under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so * * * sold, and of the right to prospect for, mine, and remove the same in accordance with the provisions of the act of June 22, 1910, and such lands shall be subject to all the conditions and limitations of said act.

An application to have coal land offered at public sale must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat. 583).

Where such an application does not bear this notation, you will afford applicant an opportunity to consent thereto and will reject the application if this requirement be not complied with.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with, and subject to, the provisions and reservations of the act of June 22, 1910 (36 Stat. 583).

The purchaser's consent to the reservation of the coal in the land to the United States will not be required, but the cash certificate and patent will contain respectively the provisions specified in paragraph 7 (b) of the circular of September 8, 1910.

TRACTS CONTAINING PHOSPHATE, ETC.

18. The act of Congress approved July 17, 1914 (38 Stat. 509), provides:

That * * * lands * * * withdrawn or classified as * * * phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to * * * purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such * * * purchase shall be made with a view to obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same.

An application for offering of the lands referred to in said act must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat. 509).

If an application for such mineral land does not bear that notation, you will afford the applicant opportunity to consent thereto, and if he fails to do so, you will reject the application.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat. 509).

The purchaser's consent to the reservation of the minerals in the land to the United States will not be required, but the cash certificate and patent will contain, respectively, the provisions specified in paragraph 6 of the circular of March 20, 1915 (44 L. D. 32, 34).

19. All applications for the sale of public lands under these regulations must be rejected where it appears that the land applied for is within the limits of a producing oil or gas field or is embraced in an existing oil or gas prospecting permit or lease under act of February 25, 1920 (41 Stat. 437), or an application for such permit or lease, and an application for such permit or lease filed before the land becomes segregated in the manner indicated in paragraph 9 hereof will defeat the application hereunder.

Very respectfully,

THOS. C. HAVELL,
Acting Commissioner.

Approved, April 7, 1928.

E. C. FINNEY,
First Assistant Secretary.

(Form 4—008b)

APPLICATION FOR SALE OF ISOLATED OR DISCONNECTED TRACTS

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

_____, 19__

To the COMMISSIONER OF THE GENERAL LAND OFFICE:

_____, whose post-office address is _____, respectfully requests that the _____ of section _____, township _____, range _____, be ordered into market and sold under sec. 2455, Revised Statutes, at public auction, the same having been subject to homestead entry for at least two years after the surrounding lands were entered, filed upon, or sold by the Government.

Applicant states that he is a _____ (here state whether native-born or naturalized citizen of the United States, or has declared his intention to become a citizen, as the case may be); that this land contains no salines, coal, or other minerals, and no stone except _____; that there is no timber thereon except _____ trees of the _____ species, ranging from _____ inches to _____ feet in diameter, and aggregating about _____ feet stumpage measure, of the estimated value of \$_____; that the land is not occupied except by _____ of _____ post office, who occupies and uses it for the purpose of _____, but does not claim the right of occupancy under any of the public-land laws; that the land is chiefly valuable for _____, and that applicant desires to purchase same for his own individual use and actual occupation for the purpose of _____, and not for speculative purposes; that he has not heretofore purchased public lands sold as isolated tracts, the area of which when added to the area herein applied for will exceed approximately 320 acres. The lands heretofore purchased by him under said act are described as follows: _____

If this request is granted, applicant agrees to have notice published at his expense in the newspaper designated by the register.

(Applicant will answer fully the following questions:)

Question 1. Are you the owner of land adjoining the tract above described? If so, describe the land by section, township, and range.

Answer. _____

Question 2. To what use do you intend to put the isolated tract above described should you purchase same?

Answer. _____

Question 3. If you are not the owner of adjoining land, do you intend to reside upon or cultivate the isolated tract?

Answer. _____

Question 4. Have you been requested by anyone to apply for the ordering of the tract into market? If so, by whom?

Answer. _____

Question 5. Are you acting as agent for any person or persons or directly or indirectly for or in behalf of any person other than yourself in making said application?

Answer. _____

Question 6. Do you intend to appear at the sale of said tract if ordered and bid for same?

Answer. _____

Question 7. Have you any agreement or understanding, expressed or implied, with any other person or persons that you are to bid upon or purchase the land for them or in their behalf, or have you agreed to absent yourself from the sale or refrain from bidding so that they may acquire title to the land?

Answer. _____

(Sign here with full Christian name)

We are personally acquainted with the above-named applicant and the land described by him, and the statements hereinbefore made are true to the best of our knowledge and belief.

(Sign here with full Christian name)

(Sign here with full Christian name)

I certify that the foregoing application and corroborative statement were read to or by the above-named applicant and witnesses in my presence before affiants affixed their signatures thereto; that I verily believe affiants to be credible persons and the identical persons hereinbefore described; that said affidavits were duly subscribed and sworn to before me at my office, at _____, this _____ day of _____, 19____

(Official designation of officer)

(Form 4—348)

ISOLATED TRACT—PUBLIC LAND SALE

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,

_____, 19____
Notice is hereby given that, as directed by the Commissioner of the General Land Office, under the provisions of sec. 2455, Revised Statutes, pursuant to the application of _____, Serial No. _____, I will offer at public sale to the highest bidder, but at not less than \$_____ per acre, at _____ o'clock _____ m., on the _____ day of _____ next, at this office, the following tract of land: _____

The sale will not be kept open, but will be declared closed when those present at the hour named have ceased bidding. The person making the highest bid will be required to immediately pay to the receiver the amount thereof.

Any persons claiming adversely the above-described land are advised to file their claims or objections on or before the time designated for sale.

Register.

Circular No. 684 a

*See Circ. 1860*OFFERINGS AT PUBLIC SALE OF UNRESERVED LANDS
AND LANDS IN ESTABLISHED GRAZING DISTRICTS.APPROVED NOVEMBER 23, 1934, AMENDED
JANUARY 23, 1936 AND JUNE 14, 1938.UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

OFFERINGS OF UNRESERVED PUBLIC LANDS.

The sale of isolated tracts of unreserved public land and tracts not isolated, but which are mountainous or too rough for cultivation, is authorized by section 2455 of the Revised Statutes (section 1171, title 43, United States Code), as amended by the acts of June 27, 1906 (34 Stat. 517), March 28, 1912 (37 Stat. 77), March 9, 1928 (45 Stat. 253), and June 28, 1934 (48 Stat. 1269).

2-26-75

The present instructions constitute a revision of those of February 9, 1934.

SEC. 14 OF ACT OF JUNE 28, 1934 (48 Stat. 1269), AMENDED
SEC. 2455 OF REVISED STATUTES, as amended, to read as follows:

"Sec. 2455. Notwithstanding the provisions of section 2357 of the Revised Statutes (U.S.C., title 43, sec. 678) and of the act of August 30, 1890 (26 Stat. 391), it shall be lawful for the Secretary of the Interior to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than the appraised value, any isolated or disconnected tract or parcel of the public domain not exceeding seven hundred and sixty acres which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land office of the district in which such land may be situated: Provided, That for a period of not less than thirty days after the highest bid has been received, any owner or owners of contiguous land shall have a preference right to buy the offered lands at such highest bid price; and where two or more persons apply to exercise such preference right the Secretary of the Interior is authorized to make an equitable division of the land among such applicants, but in no case shall the adjacent land

owner or owners be required to pay more than three times the appraised price: Provided further, That any legal subdivisions of the public land, not exceeding one hundred and sixty acres, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of the said Secretary, be ordered into the market and sold pursuant to this section upon the application of any person who owns land or holds a valid entry of lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this section: Provided further, That this section shall not defeat any valid right which has already attached under any pending entry or location. The word 'person' in this section shall be deemed to include corporations, partnerships, and associations."

GENERAL REGULATIONS

1. Applications to have isolated tracts ordered into market must be filed, in duplicate, with the register of the land office for the district wherein the lands are situated except in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin. These States have no district land office, and applications for land therein should be forwarded to the Commissioner of the General Land Office, Washington, D. C.

2. Applicants must show by their affidavits, corroborated by at least two witnesses, that the land contains no salines, coal, or other minerals; the amount, kind, and value of timber or stone thereon, if any; whether the land is occupied, and if so, the nature of the occupancy; for what purpose the land is chiefly valuable; why it is desired that same be sold; that applicant desires to purchase the land for his own individual use; and that he is a citizen of the United States or has declared his intention to become such. Also a duly corroborated affidavit showing that no hot or medicinal or other springs or water holes are upon the land except..... There are no hot or medicinal or other springs or water holes upon the land except..... (Locate & Describe.) location and size thereof together with an estimate of the quantity of water in wells which it is capable of producing daily.

3. The affidavits of applicants to have isolated tracts ordered into market and of their corroborating witnesses may be executed before any officer having a seal and authorized to administer oaths in the county or land district in which the tracts described in the applications are situated. Affidavits relating to lands in those States having no district land office may be executed anywhere within the State.

4. The officer before whom such affidavits are executed will cause each applicant and his witnesses to fully answer the questions contained

in the accompanying form and, after the answers to the questions therein contained have been reduced to writing, to sign and swear to same before him.

5. The register will, on receipt of applications, note same upon the tract books of his office, and if the applications are not properly executed or not corroborated he will reject the same, subject to the right of appeal. Applications found to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the register will reject the application subject to the usual right of appeal; if part of the tract is appropriated, he will reject the application as to that part, and, in the absence of an appeal after the usual notice, he will eliminate the description thereof from the application and take further action as though it had never been included therein: Where an appeal is filed, the Commissioner of the General Land Office, if he decides to order into market a part, or all, of the lands, will call upon the register and the special agent in charge for the reports as hereinafter provided for, concerning the value of the land. Adverse action by the Commissioner will be subject to appeal to the Secretary of the Interior.

(b) If the status of the lands is such that a sale might properly be ordered, the register, after noting the application on his records, will promptly forward the original to the special agent in charge for report as to the value of the land and any objection he may wish to interpose to the sale, and the register will make proper notations on his schedule of serial numbers in the event the application is not returned in time to be forwarded with the current returns. Upon receipt of the application from the special agent in charge, with his report thereon, and report from the director in charge of grazing, the register will attach his report as to the status of the land, the value of the land applied for, if he has any knowledge concerning the same, and any objection to the sale known to him, and forward the papers to the General Land Office with the current returns.1/

6. The filing of an application under the section in conformity with these regulations will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid right which had attached under any pending entry or location.

1/ Amended in accordance with Circular No. 1376, dated January 23, 1936.

7. Upon receipt of letter authorizing the sale, the register will prepare a notice for publication describing the land, and fixing a date for the sale, which date must be far enough in advance to afford ample time for publication of the notice, and for the affidavit of the publisher to be filed in the district land office prior to the date of the sale. The notice will be sent to the applicant with instructions that he must publish the same at his expense in the designated newspaper. Payment for publication must be made by applicant directly to the publisher, and in case the money for publication is transmitted to the register he must issue receipt therefor and immediately return the money to the applicant by his official check, with instructions to arrange for the publication of the notice as hereinbefore provided.

If evidence of publication is not filed at or before the time set for the offering, the register will close the case on his records, and will report the default to the General Land Office, which will, without letter, close the case on its records.

8. Notice must be published for 30 days preceding the date set for the sale, and a sufficient time should elapse between the date of last publication and the date of sale to enable the affidavit of the publisher to be filed in the district land office. The notice must be published in the designated newspaper. If this be a daily paper, the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues, and if semi-weekly, in either issue for 5 consecutive weeks. The register will cause a similar notice to be posted in his office, such notice to remain posted during the entire period of publication. The applicant must file in the local office, prior to the date fixed for the sale, evidence that publication has been had for the required period, which evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice published.

9. At the time and place fixed for the sale the register will read the notice of sale and allow all qualified persons an opportunity to bid. Bids may be made through an agent personally present at the sale, as well as by the bidder in person. The register conducting the sale will keep a record showing the names of the bidders and the amount bid by each. Such record will be transmitted to this office with the other papers in the case.

10. When all persons present shall have ceased bidding the register will, in the usual manner, declare the bidding closed, announcing the name of the highest bidder and the amount of his bid; the highest bid will be noted on the records and the offerer thereof (or his principal) will be declared the highest bidder, provided he immediately pays to the

register the amount of the bid. In the absence of such payment the register will at once proceed with the sale excluding the bid made by the highest bidder and starting with the highest bid not withdrawn.

11. Within 10 days after he has been declared the purchaser he must furnish evidence that he is a citizen of the United States or has declared his intention to become such; also a nonmineral affidavit or (in States where that is sufficient) a nonsaline affidavit. *2. See form 4-662*

12. Where the offering results in a sale, the register will issue cash papers as in ordinary cash entries, noting thereon the date of the letter authorizing the offering, and report the same in his current returns. With the papers must also be forwarded the affidavit of the publisher showing publication and the register's certificate as to posting of the notice for publication.

13. There is no limitation as to the minimum price to be fixed by appraisal and in view thereof, the appraisal must be based upon field examination. No lands will be sold at less than the price fixed by the appraisal and such minimum price will be set by the letter ordering the sale, based upon the report of the special agent in charge. Should any of the lands offered be not sold, the same will not be regarded as subject to private entry unless located in the State of Missouri (act of March 2, 1889, 25 Stat. 854), but may again be offered for sale in the manner herein provided. The price fixed by the appraisal will be effective for three years from the date of the report of the Special Agent in Charge.

UNDER THE BODY OF THE SECTION

14. No tract exceeding approximately 760 acres in area will be ordered into the market. An application may include several incontiguous tracts provided their aggregate area does not exceed 760 acres. Each tract will be offered separately and certificates will be issued under different numbers unless they are bought by the same person.

15. No tract of land will be ordered into the market unless, at the time application is filed, said tract is vacant, unreserved and surrounded by lands, which have been entered.

16. Where lands have been authorized to be sold under the body of the section and the highest bidder has been named, if the amount of his bid is paid immediately to the register, he will then declare the bidding closed subject to the preference right of purchase by owners of contiguous land. The amount tendered will be held in the unearned account of the register, and the register will notify the bidder that if within thirty days from the date of his bid no owner or owners of contiguous lands shall apply to purchase the lands at such highest bid price, but at not more than three times the appraised price if such highest bid be more than three times such appraised price, he will be declared the purchaser.

UNITED STATES
DEPARTMENT OF THE INTERIOR

106319

General Land Office
Washington 25, D. C.RECEIVED
District Land Office
BILLINGS, MONTANA

30102

January 26, 1945

FEB 8-1945

MEMORANDUM for Registers,
District Land Offices.

~~NOTE~~
Hereafter, if an applicant for the sale of an "isolated tract" shows in his application that he is the owner of adjoining land, but fails to give the description of the land, you are not to transmit the application to this office until you have called upon the applicant, by ordinary mail, to furnish such description. If the information has not been furnished within 30 days from the date of your notice you will not close the case, but may transmit the application to this office with your next regular returns, together with a copy of your notice to the applicant.

Your attention is directed to 43 CFR 250.22, relating to applications for the sale of tracts which are not isolated, and to the fact that applicants therefor must own adjoining land, or hold valid entries in connection with which the law has been fully complied with, and that proof of "ownership of the whole title" must be furnished where ownership is alleged.

(Sgd) Fred W. Johnson,

Commissioner.

So as to equalize as nearly as possible the opportunity of all applicants to be allowed to purchase. An appeal will be allowed from the action of this office. Where there is but one subdivision adjoining lands of two or more applicants exercising the preference right of purchase, the subdivision will be awarded to that qualified person who first files application therefor with an assertion of such right within the thirty-day preference right period.

19. The preference right granted by the first proviso of said act is limited to owners of contiguous lands. Applications for such preference right must be supported by proof of the applicant's ownership of the whole title of the contiguous lands; that is, he must show by affidavit that he has the title in fee. If a preference right is asserted or if conflicting preference rights are asserted, and there is an amicable agreement between the parties, and all other necessary evidence and money has been tendered by the respective parties, the register will make the award, at the same time returning the amount on deposit to the credit of the highest bidder with notice that the land has been sold to the preference right claimant. In no event can the land be sold until the end of the thirty-day preference right period.

(a) If, at the end of the thirty-day preference right period, no assertion of preference right is made, the sale will be declared closed and the highest bidder declared the purchaser.

REGULATIONS UNDER SECOND PROVISO TO SEC. 14

20. The second proviso to section 14 authorizes the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands. Applications will be disposed of by you in accordance with the "General Regulations." Applications may be made upon the form provided (4-008b) properly modified as necessitated by the terms of the proviso. In addition the applicant or applicants must furnish proof in his or their affidavit of his or their ownership of the whole title to adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the second proviso or purchased under Section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

No person will be allowed more than one application under this proviso, nor for more than 160 acres, except that two or more applications may be allowed to the same person if all the lands sought adjoin the same body of land owned by the applicant or included in his pending entry; nor will one who has purchased lands sold upon the application of another under this proviso be permitted to secure the offering under said second proviso in his own right of an area exceeding the difference between that of the land purchased and 160 acres. The purchase of lands under this proviso will not disqualify the purchaser as an applicant for the offering of tracts actually isolated, nor will the purchase of isolated tracts disqualify the purchaser from becoming an applicant for offering under the second proviso.

In acting on applications for offering under the second proviso regard will be had to the character of each subdivision applied for, as reported by the special agent in charge and the director in charge of grazing, and offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole.

21. In the notices for publication and posting, where sale is authorized under this proviso, you will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation."

17. If on date of offering no bids are received, you will close the case on your records and report to the General Land Office.

REGULATIONS UNDER FIRST PROVISIO TO SEC. 14

18. The first proviso to section 14 confers a preference right for a period of thirty days after the highest bid has been received, upon any owner or owners of contiguous lands to purchase the lands offered for sale under the body of the section at the highest bid price or at three times the appraised price if three times such appraised price is less than the highest bid price. With assertion of a preference right, each claimant must accompany his application with payment of the purchase price of the land. Where there is a conflict between two or more persons claiming such preference right of purchase, you will notify them that they will be allowed thirty days from receipt of notice within which to agree among themselves upon a division of the tracts in conflict by subdivisions, and that an equitable division will be made by this office in the absence of an agreement. In such cases unless an amicable adjustment is made you will forward the applications of all preference right claimants to this office with report and recommendation for consideration, making on your schedules the necessary notations as to the method of transmittal. This office will thereupon make an equitable division of the different subdivisions among the applicants so as to equalize as nearly as possible the tracts the applicants should be allowed to purchase. An appeal will be allowed from the action of this office. Where there is but one subdivision adjoining lands of two or more applicants exercising the preference right of purchase, the subdivision will be awarded to that qualified person who first files application therefor with an assertion of such right within the thirty-day preference right period.

19. The preference right granted by the first proviso of said act is limited to owners of contiguous lands. Applications for such preference right must be supported by proof of the applicant's ownership of the whole title of the contiguous lands; that is, he must show by affidavit that he has the title in fee. If a preference right is asserted or if conflicting preference rights are asserted, and there is an amicable agreement between the parties, and all other necessary evidence and money has been tendered by the respective parties, the register will make the award, at the same time returning the amount on deposit to the credit of the highest bidder with notice that the land has been sold to the preference right claimant. In no event can the land be sold until the end of the thirty-day preference right period.

(a) If, at the end of the thirty-day preference right period, no assertion of preference right is made, the sale will be declared closed and the highest bidder declared the purchaser.

REGULATIONS UNDER SECOND PROVISO TO SEC. 14

20. The second proviso to section 14 authorizes the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands. Applications will be disposed of by you in accordance with the "General Regulations." Applications may be made upon the form provided (4-008b) properly modified as necessitated by the terms of the proviso. In addition the applicant or applicants must furnish proof in his or their affidavit of his or their ownership of the whole title to adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable, and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the second proviso or purchased under Section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

No person will be allowed more than one application under this proviso, nor for more than 160 acres, except that two or more applications may be allowed to the same person if all the lands sought adjoin the same body of land owned by the applicant or included in his pending entry; nor will one who has purchased lands sold upon the application of another under this proviso be permitted to secure the offering under said second proviso in his own right of an area exceeding the difference between that of the land purchased and 160 acres. The purchase of lands under this proviso will not disqualify the purchaser as an applicant for the offering of tracts actually isolated, nor will the purchase of isolated tracts disqualify the purchaser from becoming an applicant for offering under the second proviso.

In acting on applications for offering under the second proviso regard will be had to the character of each subdivision applied for, as reported by the special agent in charge and the director in charge of grazing, and offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole.

21. In the notices for publication and posting, where sale is authorized under this proviso, you will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation."

22. Where lands have been authorized sold under this proviso and the highest bidder named, if the amount of his bid is paid immediately to the register, he will then declare such bidder the purchaser of the tract.

23. If on the date of offering no bids are received, the case should immediately be closed on your records and report made to the General Land Office.

ISOLATED TRACTS OF COAL LAND

24. The act of Congress approved April 30, 1912 (37 Stat. 105), provides:

That * * * unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall * * * be subject * * * to disposition * * * under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so * * * sold, and of the right to prospect for, mine, and remove the same in accordance with the provisions of the act of June 22, 1910, and such lands shall be subject to all the conditions and limitations of said Act.

An application to have coal land offered at public sale must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the act of June 22, 1910 (36 Stat. 583).

Where such an application does not bear this notation, you will afford applicant an opportunity to consent thereto and will reject the application if this requirement be not complied with.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with, and subject to, the provisions and reservations of the act of June 22, 1910 (36 Stat. 583).

The purchaser's consent to the reservation of the coal in the land to the United States will not be required, but the cash certificate specified in

Paragraph 7-b of Circ. of September 8, 1910

Patent to contain provisions, reservations, conditions, and limitations of act of June 22, 1910 (36 Stat. 583).

AMENDING REGULATIONS GOVERNING PUBLIC SALES
BIDS SENT BY MAIL

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

The regulations governing public sales (43 CFR, Part 250) are hereby amended so as to incorporate provisions relating to bids sent by mail, as follows:

250.10 The sale. The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice.

Bids may be made by the principal or his agent, either personally at the sale or by mail.

Bids sent by mail will be considered only if received at the district land office prior to the hour fixed for the sale. These bids must be enclosed in sealed envelopes and must be accompanied by certified checks or post office money orders for the amounts of the bids. The envelopes must be marked in the lower left-hand corner substantially as follows: "Public sale bid, Serial No. _____, Sale _____ 19__." The envelopes containing the sealed bids will not be opened by the Register until the time fixed for the sale.

The Register will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present and at the conclusion of the auction will announce the name of the highest bidder.

The Register will keep a record showing the names of the bidders and the amount bid by each and whether the bid was made by the principal or his agent, personally at the sale or by mail. Such record will be transmitted to the General Land Office with the other papers in the case.

(Sgd) Fred W. Johnson,

Commissioner.

Approved: January 20, 1943.

(Sgd) Oscar L. Chapman,

Assistant Secretary.

These regulations are issued under the authority contained in R.S. 453, 248; 43 U.S.C. 2, 1201.

[The text on this page is extremely faint and illegible due to fading and bleed-through from the reverse side. It appears to be a multi-paragraph document.]

TRACTS CONTAINING PHOSPHATE, ETC.

25. The act of Congress approved July 17, 1914 (38 Stat. 509), provides:

That * * * lands * * * withdrawn or classified as * * * phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to * * * purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such * * * purchase shall be made with a view to obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same.

The act of Congress approved March 4, 1933 (47 Stat. 1570), provides:

That lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under the General Leasing Act of February 25, 1920, or acts amendatory thereof or supplementary thereto, shall be subject to appropriation, location, selection, entry, or purchase if otherwise available in the form and manner and subject to the reservations, provisions, limitations, and conditions of the act of Congress approved July 17, 1914 (38 Stat. L. 509; U.S.C., title 30, sec. 123); ***.

The sulphur lands are limited to the States of Louisiana and New Mexico pursuant to the act of July 16, 1932 (47 Stat. 701).

An application for offering of the lands referred to in said act must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat. 509).

If an application for such mineral land does not bear that notation, you will afford the applicant opportunity to consent thereto, and if he fails to do so, you will reject the application.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with and subject to the provisions and reservations of the act of July 17, 1914 (38 Stat. 509).

If the land should be sodium and/or sulphur, in character, the statement should also contain a reference to the act or acts appropriate thereto.

The purchaser's consent to the reservation of the minerals in the land to the United States will not be required, but the cash certificate and patent will contain, respectively, the provisions specified in paragraph 6 of the circular of March 20, 1915 (44 L. D. 32, 34) modified to refer to either or both of the acts of July 16, 1932, and March 4, 1933, when appropriate.

26. All applications for the sale of public lands under these regulations must be rejected where it appears at the time of filing that the land applied for is within the limits of a producing oil or gas field, or included in an oil or gas or other mineral lease, in accordance with Circular No. 1303 of June 13, 1933 (54 L. D. 227).

In connection with all applications under these regulations for public lands embraced in an application for prospecting permit or lease, or in a prospecting permit granted, for any mineral subject to lease, you will proceed in accordance with instructions contained in Circular No. 1021 of July 21, 1925 (51 L. D. 167), as amended by Circular No. 1031 of September 17, 1925 (51 L. D. 202). If all requirements shall have been satisfactorily complied with, you will proceed thereon in accordance with these regulations. 4-2

In the printed and posted notice will appear the statement that the land will be sold in accordance with, and subject to, the provisions and reservations of the particular act which reserves to the United States the mineral contents in the land, and subject to the right of the prior claimant for the mineral contents in the land.

THIRD PROVISIO TO SECTION 14

27. No application under section 14 will defeat a valid right which attached prior to the filing thereof under any pending entry or location.

28. Wherever the word "applicant" or "purchaser" appears in the foregoing regulations, it may mean an individual, a partnership, an association, or a corporation.

Public Sale Applications for Lands in Grazing Districts
Established Under Authority of the Taylor Grazing Act.^{2/}

29. Statutory Authority. Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by Section 2 of the act of June 26, 1936 (49 Stat. 1976), authorizes the Secretary of the Interior, in his discretion, to examine and classify any lands within a grazing district, established under authority of said act, which are more valuable or suitable for any other use than for the use provided for under said act, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public land laws. On April 4, 1938, the Department construed the said section as authorizing the Secretary of the Interior to classify lands within a grazing district for disposition at public sale.

30. Action on Applications. Applications for public sales of lands in grazing districts, made under authority of the appropriate public sale law and said Section 7 of the Taylor Grazing Act, as amended, must be accompanied by petitions for classification, as required by Circular No. 1353. Such applications and petitions, when received by the register, will be acted upon by him in accordance with instructions contained in said circular. If the Division of Grazing shall report as to the land applied for that there is no objection to the classification and opening, the General Land Office, through the Division of Grazing, will recommend the classification of the land to the Secretary of the Interior. If and when the land is classified for disposition at public sale, the usual public sale procedure will be followed.

31. Applicant Will Not Secure Preference Right of Entry. An applicant for the classification and public sale of lands in grazing districts will not secure a preference right of entry by reason of the filing of the application and petition.

^{2/} Sections 29, 30, and 31 were added to Circular 684 by Circular 1447, approved June 14, 1938.

(Sgd) Antoinette Funk,

Acting Commissioner.

Approved: November 23, 1934.

(Sgd) T. A. Walters,

First Assistant Secretary.

Circular No. 1523

SHOWING REQUIRED IN PETITIONS FOR THE CLASSIFICATION UNDER
SECTION 7 OF THE TAYLOR GRAZING ACT OF LANDS SUBJECT TO THE
MINERAL LEASING LAWSUNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Paragraph 3 of Circular 1353b of June 29, 1937 (56 I.D. 467) and Section 296.4 of Title 43 of the Code of Federal Regulations based thereon are hereby amended by inserting immediately before the last sentence thereof the following:

If the land or any part of it is withdrawn or classified or is valuable for deposits of coal, oil, gas, potash, phosphate, sodium, oil shale or (in Louisiana and New Mexico) sulphur, the petition for classification must show:

(a) Whether the purpose for which the title is sought is necessary and in the interest of the public;

(b) Whether the applicant lawfully could devote the land to the proposed use without obtaining title; and

(c) Whether the applicant reasonably could obtain other land, either public or privately owned, which could serve the purpose desired substantially as well as the land applied for.

(Sgd) Fred W. Johnson,

Commissioner.

I concur: January 1, 1943

(Sgd) W. C. Mendenhall,

Director, Geological Survey.

Approved: January 14, 1943

(Sgd) Harold L. Ickes,

Secretary of the Interior.

This regulation is issued under the authority contained in sec. 2, 48 Stat. 1270; 43 U.S.C. 315a.

CHAPTER IV

THEORY OF THE EARTH AND ITS HISTORY
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Circular No. 684b

See # 1792

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

See Circ. 1860

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OFFERINGS AT PUBLIC SALE

Regulations contained in Part 250, Title 43
of the Code of Federal Regulations

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(Reprint, February 21, 1945, with amendments)

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250.34 Action on applications.

250.35 Applicant will not secure
preference right of entry.

OFFERINGS AT PUBLIC SALE

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

GENERAL REGULATIONS GOVERNING PUBLIC SALES

Sec. 250.1 Statutory authority. The sale of isolated tracts of unreserved public land and tracts not isolated, but which are mountainous or too rough for cultivation, is authorized by section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended by the Acts of June 27, 1906 (34 Stat. 517), March 26, 1912 (37 Stat. 77), March 9, 1928 (45 Stat. 253), and June 28, 1934 (48 Stat. 1274; 43 U.S.C. 1171).

250.2 Where applications should be filed. Applications to have isolated tracts ordered into market must be filed, in duplicate, with the register of the land office for the district wherein the lands are situated except in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, and Wisconsin. These States have no district land office, and applications for land therein should be forwarded to the Commissioner of the General Land Office, Washington, D. C.

250.3 Showing required as to character of land. Applicants must show by their affidavits, corroborated by at least two witnesses, that the land contains no salines, coal, or other minerals; the amount, kind, and value of timber or stone thereon, if any; whether the land is occupied, and if so, the nature of the occupancy; for what purpose the land is chiefly valuable; why it is desired that same be sold; that applicant desires to purchase the land for his own individual use; and that he is a citizen of the United States or has declared his intentions to become such. Also a duly corroborated affidavit showing that no hot or medicinal or other spring or water hole exists, if it be a fact, upon any legal subdivision of the land applied for; or if there be any spring or water hole, the affidavit should state the exact location and size thereof, together with an estimate of the quantity of water in gallons which it is capable of producing daily.

250.4 Execution of affidavits by applicants and witnesses. The affidavits of applicants to have isolated tracts ordered into market and of their corroborating witnesses may be executed before any officer having a

seal and authorized to administer oaths in the county or land district in which the tracts described in the applications are situated. Affidavits relating to lands in those States having no district land office may be executed anywhere within the State.

250.5 Questions to be fully answered before officer executing application. The officer before whom such affidavits are executed will cause each applicant and his witnesses to fully answer the questions contained in the application form and, after the answers to the questions therein contained have been reduced to writing, to sign and swear to same before him.

250.6 Action by register and by General Land Office; reports. The register, on receipt of applications, will assign serial numbers thereto and have appropriate notations made upon the records of the district land office. If the applications are not properly executed or not corroborated the register will reject the same. All actions of the register will be subject to the right of appeal. Applications found by the register to be properly executed and corroborated will be disposed of as follows:

(a) If the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the register will reject the application; if part of the tract is appropriated, he will reject the application as to that part, and, in the absence of an appeal, will eliminate the description thereof from the application and take further action as though it had never been included therein. Where an appeal is filed, and the Commissioner of the General Land Office decides to order all or part of the lands into the market, he will call upon the Branch of Field Examination for a report, as provided in paragraph (b) of this section.

(b) If the status of the lands is such that a sale may properly be ordered, the register, after noting the application on his records, will promptly forward the original and duplicate of the application to the General Land Office for preliminary consideration, together with a report, in duplicate, as to any conflicts of record.

If upon consideration of the application in the General Land Office it appears that a report should be secured from the Branch of Field Examination, a report covering the value of the land and any other information desired will be requested. 1/

250.7 Effect of application. The filing of an application under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171) in conformity with the regulations in this part will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid right which has attached under any pending entry or location. However, until the issuance of a certificate of sale, the Secretary may at any time determine that the lands should not be sold, the applicant or any bidder has no contractual or other rights as against the United States, and no action taken prior to the issuance of the certificate will create any contractual or other obligation of the United States. 2/

1/ As amended by Circs. 1474 and 1553.

2/ As amended by Circ. 1580.

250.8 Publication of notice required prior to date of sale. Upon receipt of letter authorizing the sale, the register will prepare a notice for publication describing the land, and fixing a date for the sale, which date must be far enough in advance to afford ample time for publication of the notice, and for the affidavit of the publisher to be filed in the district land office prior to the date of the sale. The notice will be sent to the applicant with instructions that he must publish the same at his expense in the designated newspaper. Payment for publication must be made by the applicant directly to the publisher, and in case the money for publication is transmitted to the register he must issue receipt therefor and immediately return the money to the applicant by his official check, with instructions to arrange for the publication of the notice as hereinbefore provided.

If evidence of publication is not filed at or before the time set for the offering, the register will close the case on his records, and will report the default to the General Land Office, which will, without letter, close the case on its records.

250.9 Time and proof of publication; posting required. Notice must be published for 30 days preceding the date set for the sale, and a sufficient time should elapse between the date of last publication and the date of sale to enable the affidavit of the publisher to be filed in the district land office. The notice must be published in the designated newspaper. If this be a daily paper, the notice should be published in the Wednesday issue for 5 consecutive weeks; if weekly, in 5 consecutive issues, and if semi-weekly, in either issue for 5 consecutive weeks. The register will cause a similar notice to be posted in his office, such notice to remain posted during the entire period of publication. The applicant must file in the local office, prior to the date fixed for the sale, evidence that publication has been had for the required period, which evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice published.

250.10 The sale. The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice.

Bids may be made by the principal or his agent, either personally at the sale or by mail.

Bids sent by mail will be considered only if received at the district land office prior to the hour fixed for the sale. These bids must be enclosed in sealed envelopes and must be accompanied by certified checks or post office money orders for the amounts of the bids. The envelopes must be marked in the lower left-hand corner substantially as follows: "Public sale bid, Serial No. _____, Sale _____ 19__." The envelopes containing the sealed bids will not be opened by the register until the time fixed for the sale. However, he will note on each envelope the hour and date of its receipt.

The register will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present and at the conclusion of the auction will announce the name of the highest bidder. In the event the bids of two or more persons sent by mail are the same in amount and are the highest offered, the first received, as shown by the hour and date noted on the envelope, will be accepted by the register.

The register will keep a record showing the names of the bidders and the amount bid by each and whether the bid was made by the principal or his agent, personally at the sale or by mail. Such record will be transmitted to the General Land Office with the other papers in the case. 3/

250.11 Action at close of bidding; payment of cost of publication. When all persons present shall have ceased bidding the register will, in the usual manner, declare the bidding closed, announcing the name of the highest bidder and the amount of his bid; the highest bid will be noted on the records and the offerer thereof (or his principal) will be declared the highest bidder, provided he immediately pays to the register the amount of the bid. In the absence of such payment the register will at once proceed with the sale excluding the bid made by the highest bidder and starting with the highest bid notwithstanding.

If the applicant is an unsuccessful bidder, the person awarded the land as the highest bidder, or as a preference right claimant, must reimburse and pay directly to him the amount expended for publication of notice and file evidence thereof in the district land office within 10 days from the date of the sale. If the evidence is not furnished, the register will reject the bid and will accept the bid next in order, subject to the same conditions. Where an equitable division of the land is made between two or more claimants, pursuant to section 250.19, each of the claimants must bear his proportionate share of the expense. 4/

250.12 Evidence of citizenship and affidavit required of successful bidder. Within 10 days after he has been declared the successful bidder, the purchaser must furnish evidence that he is a citizen of the United States or has declared his intention to become such; also a nonmineral affidavit or (in States where that is sufficient) a non-saline affidavit.

250.13 Register to issue cash certificate and forward evidence. Where the offering results in a sale, the register will issue cash papers as in ordinary cash entries, noting thereon the date of the letter authorizing the offering, and report the same in his current returns. With the papers must also be forwarded the affidavit of the publisher showing publication and the register's certificate as to posting of the notice for publication.

3/ As amended by Circs. 1524 and 1537.

4/ As amended by Circ. 1537.

250.14 Minimum sale price fixed by appraisal; unsold lands may be reoffered. There is no limitation as to the minimum price to be fixed by appraisal and in view thereof, the appraisal must be based upon field examination. No lands will be sold at less than the price fixed by the appraisal and such minimum price will be set by the letter ordering the sale, based upon the report of the regional field examiner. Should any of the land offered be not sold, the same will not be regarded as subject to private entry unless located in the State of Missouri (Act of March 2, 1889, 25 Stat. 854; 43 U.S.C. 700), but may again be offered for sale in the manner herein provided. The price fixed by the appraisal will be effective for three years from the date of the report of the regional field examiner.

PUBLIC SALE OF ISOLATED TRACTS

250.15 Area subject to sale as isolated tracts. No tract exceeding approximately 760 acres in area will be ordered into the market. An application may include several incontiguous tracts provided their aggregate area does not exceed 760 acres. Each tract will be offered separately and certificates will be issued under different numbers unless they are bought by the same person.

250.16 Land subject to offering as an isolated tract. As a general rule, no tract will be deemed isolated unless it is completely surrounded by lands held in non-Federal ownership; or is so effectively separated from other federally owned lands by some permanent withdrawal or reservation as to make its use with such lands impracticable. 5/

250.17 Preference right of owner of contiguous lands; failure to exercise right. Where lands have been authorized to be sold under the body of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), and the highest bidder has been named, if the amount of his bid is paid immediately to the register, he will then declare the bidding closed subject to the preference right of purchase by owners of contiguous land. The amount tendered will be held in the unearned account of the register, and the register will notify the bidder that if within 30 days from the date of his bid no owner or owners of contiguous lands shall apply to purchase the lands at such highest bid price, but at not more than three times the appraised price if such highest bid be more than three times such appraised price, he may be declared the purchaser. 6/

5/ As amended by Cir. 1593.

6/ As amended by Cir. 1580.

250.18 Case to be closed if no bids are offered. If on date of offering no bids are received, the register will close the case on his records and report to the General Land Office.

250.19 Disposition of preference right claims. The first proviso to section 14 of the Act of June 28, 1934 (section 2455 of the Revised Statutes, as amended; 43 U.S.C. 1171) confers a preference right for a period of 30 days after the highest bid has been received, upon any owner or owners of contiguous lands to purchase the land offered for sale under the body of the section at the highest bid price or at three times the appraised price if three times such appraised price is less than the highest bid price. With assertion of a preference right, each claimant must accompany his application with payment of the purchase price of the land. Where there is a conflict between two or more persons claiming such preference right of purchase, the register will notify them that they will be allowed 30 days from receipt of notice within which to agree among themselves upon a division of the tracts in conflict by subdivisions, and that an equitable division will be made by the General Land Office in the absence of an agreement. In such cases, unless an amicable adjustment is made the register will forward the applications of all preference right claimants to the said office with report and recommendation for consideration, making on his schedules the necessary notations as to the method of transmittal. The General Land Office will thereupon make an equitable division of the different subdivisions among the applicants so as to equalize as nearly as possible the tracts the applicants should be allowed to purchase. An appeal will be allowed from the action of that office. Where there is but one subdivision adjoining lands of two or more applicants exercising the preference right of purchase, the subdivision will be awarded to that qualified person who first files application therefor with an assertion of such right within the 30-day preference right period.

250.20 Award to preference right claimant or to highest bidder, where preference right is not asserted. The preference right granted by the first proviso of section 2455 of the Revised Statutes, as amended (43 U.S.C. 1171), is limited to owners of contiguous lands. Applications for such preference right must be supported by proof of the applicant's ownership of the whole title of the contiguous lands; that is, he must show by affidavit that he has the title in fee. If a preference right is asserted or if conflicting preference rights are asserted, and there is an amicable agreement between the parties, and all other necessary evidence and money has been tendered by the respective parties, the register will make the award, at the same time returning the amount on deposit to the credit of the highest bidder with notice that the land has been sold to the preference right claimant. In no event can the land be sold until the end of the 30 days preference right period.

If, at the end of the 30 days preference right period, no assertion of preference right is made, the sale will be declared closed and the highest bidder may be declared the purchaser. 7/

7/ As amended by Cir. 1580.

PUBLIC SALES OF TRACTS WHICH ARE MOUNTAINOUS
OR TOO ROUGH FOR CULTIVATION

250.21 Statutory authority. The second proviso to section 14 of the Act of June 28, 1934 (sec. 2455 of the Revised Statutes, as amended; 43 U.S.C. 1171), authorizes the sale of legal subdivisions not exceeding one-quarter section, the greater part of which is mountainous or too rough for cultivation, upon the application of any person who owns or holds a valid entry of lands adjoining such tract and regardless of the fact that such tract may not be actually isolated by the entry or other disposition of surrounding lands.

250.22 Application; procedure. Applications will be disposed of by the register in accordance with sections 250.1-250.14, inclusive. Applications may be made upon the form provided (4-008b) properly modified as necessitated by the terms of the proviso. In addition the applicant or applicants must furnish proof in his or their affidavit of his or their ownership of the whole title to adjoining land, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law; also detailed evidence as to the character of the land applied for, the extent to which it is cultivable; and the conditions which render the greater portion unfit for cultivation; also a description of any and all lands theretofore applied for under the second proviso or purchased under section 2455 or the amendments thereto. This evidence must consist of an affidavit by the claimant, corroborated by the affidavits of not less than two disinterested persons having actual knowledge of the facts.

No person will be allowed more than one application under this proviso, nor for more than 160 acres, except that two or more applications may be allowed to the same person if all the lands sought adjoin the same body of land owned by the applicant or included in his pending entry; nor will one who has purchased lands sold upon the application of another under this proviso be permitted to secure the offering under said second proviso in his own right of an area exceeding the difference between that of the land purchased and 160 acres. The purchase of lands under this proviso will not disqualify the purchaser as an applicant for the offering of tracts actually isolated, nor will the purchase of isolated tracts disqualify the purchaser from becoming an applicant for offering under the second proviso.

In acting on applications for offering under the second proviso, regard will be had to the character of each subdivision applied for. Offering of an entire tract will not be had upon the ground that the greater part is of the character contemplated thereby, if taken as a whole. 8/

250.23 Notice for publication. In the notices for publication and posting, where sales is authorized under the second proviso to section 14 of the Act of June 28, 1934, the register will add after the description of the land, "This tract is ordered into the market on a showing that the greater portion thereof is mountainous or too rough for cultivation."

8/ As amended by Circ. 1474.

250.24 Award to highest bidder. Where lands have been authorized sold under the second proviso to section 14 of the Act of June 28, 1934 (sec. 2455 of the Revised Statutes, as amended; 43 U.S.C. 1171), and the highest bidder named, if the amount of his bid is paid immediately to the register, he will then declare such bidder the purchaser of the tract.

250.25 Case to be closed if no bids are received. If on the date of offering no bids are received, the case should immediately be closed on the district land office records and report made to the General Land Office.

PUBLIC SALE OF ISOLATED TRACTS OF COAL LANDS

250.26 Statutory authority. The Act approved April 30, 1912 (37 Stat. 105; 30 U.S.C. 90), provides that unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to disposition under the laws providing for the sale of isolated or disconnected tracts of public lands, but there shall be a reservation to the United States of the coal in all such lands so sold, and of the right to prospect for, mine, and remove the same in accordance with the provisions of the Act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83, 84, 85), and such lands shall be subject to all the conditions and limitations of said Act.

250.27 Application; procedure. An application to have coal land offered at public sale must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the Act of June 22, 1910 (36 Stat. 583).

Where such an application does not bear this notation, the register will afford applicant an opportunity to consent thereto and will reject the application if this requirement be not complied with.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with, and subject to, the provisions and reservations of the Act of June 22, 1910 (36 Stat. 583).

The purchaser's consent to the reservation of the coal in the land to the United States will not be required, but the cash certificate and patent will contain respectively the provisions specified in section 102.16(b).

PUBLIC SALE OF LANDS WITHDRAWN, CLASSIFIED OR
VALUABLE FOR PHOSPHATE, NITRATE, POTASH, OIL,
GAS, ASPHALTIC MINERALS, SODIUM OR SULPHUR

250.28 Statutory authority. The Act approved July 17, 1914 (38 Stat. 509; 30 U.S.C. 121-123) provides that lands withdrawn or classified

as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such purchase shall be made with a view to obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same.

The Act approved March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124) provides that lands withdrawn, classified, or reported as valuable for sodium and/or sulphur and subject to prospecting, leasing, or development under the Mineral Leasing Acts shall be subject to appropriation, location, selection, entry, or purchase in the form and manner and subject to the reservations, provisions, limitations, and conditions of the Act of Congress approved July 17, 1914 (38 Stat. 509).

The sulphur lands are limited to the State of Louisiana and New Mexico pursuant to the Act of July 16, 1932 (47 Stat. 701; 30 U.S.C. 271, 276).

250.29 Application; procedure. An application for offering of the lands referred to in said Act must bear on its face the notation:

Application made in accordance with and subject to the provisions and reservations of the Act of July 17, 1914 (38 Stat. 509).

If an application for such mineral land does not bear that notation, the register will afford the applicant opportunity to consent thereto, and if he fails to do so, he will reject the application.

In the printed and posted notice of sale will appear the statement:

This land will be sold in accordance with and subject to the provisions and reservations of the Act of July 17, 1914 (38 Stat. 509).

If the land should be sodium and/or sulphur, in character, the statement should also contain a reference to the Act or Acts appropriate thereto.

The purchaser's consent to the reservation of the minerals in the land to the United States will not be required, but the cash certificate and patent will contain, respectively, the provisions specified in section 102.28, modified to refer to either or both of the Act of July 16, 1932, and March 4, 1933, when appropriate.

250.30 Procedure when tract is in oil or gas field or application for permit, lease or permit granted. All applications for the sale of public lands under the regulations in this part must be rejected where it appears at the time of filing that the land applied for is within the limits of a producing oil or gas field, or included in an oil or gas or other mineral lease, in accordance with section 102.35.

In connection with all public sale applications for public lands embraced in an application for prospecting permit or lease, or in a prospecting permit granted, for any mineral subject to lease, the register will proceed in accordance with instructions contained in sections 102.37-102.40. If all requirements shall have been satisfactorily complied with he will proceed thereon in accordance with the regulations in this part.

In the printed and posted notice will appear the statement that the land will be sold in accordance with, and subject to, the provisions and reservations of the particular Act which reserves to the United States the mineral contents in the land, and subject to the right of the prior claimant for the mineral contents in the land.

250.31 Effect of application on pending valid right. No application under section 14 of the Act of June 28, 1934, will defeat a valid right which attached prior to the filing thereof under any pending entry or location.

250.32 Words "applicant" and "purchaser" construed. Wherever the word "applicant" or "purchaser" appears in the foregoing regulations in sections 250.1-250.31, it may mean an individual, a partnership, an association, or a corporation.

PUBLIC SALE APPLICATIONS FOR LANDS IN GRAZING DISTRICTS ESTABLISHED UNDER AUTHORITY OF THE TAYLOR GRAZING ACT

250.33 Statutory authority. Section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended by Section 2 of the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C., Sup., 315f), authorizes the Secretary of the Interior, in his discretion, to examine and classify any land within a grazing district, established under authority of said Act, which are more valuable or suitable for any other use than for the use provided for under said Act, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public land laws. On April 4, 1938, the Department construed the said section as authorizing the Secretary of the Interior to classify lands within a grazing district for disposition at public sale. 9/

250.34 Action on applications. Applications for public sales of lands in grazing districts, made under authority of the appropriate public sale law and said section 7 of the Taylor Grazing Act, as amended, must be accompanied by petitions for classification, as required by sections 296.1-296.11. Such applications and petitions, when received by the register, will be acted upon by him in accordance with instructions contained in said sections. If the Grazing Service shall report as to the land applied for that there is no objection to the classification and opening, the General Land Office, through the Grazing Service, will recommend the classification

9/ As amended by Cir. 1447.

of the land to the Secretary of the Interior. If and when the land is classified for disposition at public sale, the usual public sale procedure will be followed. 10/

250.35 Applicant will not secure preference right of entry. An applicant for the classification and public sale of lands in grazing districts will not secure a preference right of entry by reason of the filing of the application and petition.

10/ See Sec. 296.5 and 296.6 as amended by Circ. 1474.

Herbert W. Johnson
Commissioner

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DEPARTMENT OF THE INTERIOR

General Land Office - - Circular No. 696

REGULATIONS
CONCERNING
PHOSPHATE LEASES
AND USE PERMITS

Under Act of February 25, 1920
(Public No. 146)

APPROVED MAY 22, 1920



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

Charlotte
See Case 1738
+ 1796



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PHOSPHATE LAWS AND REGULATIONS

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PHOSPHATE LAWS AND REGULATIONS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 22, 1920.

*Registers and Receivers,
United States Land Offices.*

SIRS: Sections 9 to 12, inclusive, of the act of Congress approved February 25, 1920 (Public No. 146), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," authorize the Secretary of the Interior to lease lands belonging to the United States containing deposits of phosphates, and accordingly the following rules and regulations are prescribed for the administration of the provisions of said sections of the act:

1. **Lands to which applicable.**—The act applies to the lands belonging to the United States containing deposits of phosphates, including lands in national forests and including the phosphate deposits reserved under laws authorizing entries and patents with reservation to the United States of such deposits; also to phosphate lands in ceded or restored Indian reservations the proceeds from the disposition of which are the property of the United States. The act is not applicable to lands in the Appalachian Forest Reserve (under act of March 1, 1911, 36 Stats., 961), lands in national parks, lands withdrawn for military or naval purposes, or lands in ceded or restored Indian reservations the proceeds from the disposition of which belong to the Indians.

All leases of phosphate deposits within the limits of national forests or other reservations or withdrawals to which the act is applicable shall be subject to and contain such conditions, stipulations, and reservations as the Secretary of the Interior shall deem necessary for the protection of the forests, reservations or withdrawals, and the uses and purposes for which created.

2. **Leasing area.**—Leases may embrace not exceeding 2,560 acres of lands or deposits, in compact form, the length of which shall not exceed two and one-half times its width. If surveyed, the lands must be taken by legal subdivisions of such survey; and if unsurveyed, to be surveyed by the Government at the expense of the applicant prior to the issuance of lease. Such surveys will be made under the regu-

lations governing public land surveys, prior to the execution of which applicants will be required to deposit with the United States surveyor general the estimated expense thereof.

3. **Qualifications of applicants.**—Leases may be issued to (a) citizens of the United States, (b) associations of citizens, and (c) to corporations organized under the laws of the United States or of any State or Territory thereof.

4. **Minimum development.**—An actual bona fide expenditure for mine operations, development or improvement purposes of the amount determined by the Secretary of the Interior will be a condition in each lease as the minimum basis on which each lease will be granted, with the requirement that not less than one-third of such proposed investment shall be expended in development of the mine during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years. A bond executed by the lessee with approved corporate surety will be required to be furnished in the sum of \$10,000, conditioned upon the expenditure of the specified amount of investment. After said investment has been made a similar bond in the sum of \$5,000, conditioned upon compliance with the terms of the lease will be required.

5. **Minimum production.**—Under the provision of the act requiring leases to be for indeterminate periods upon condition of a minimum annual production after the first three years, except where interrupted by strikes, the elements or casualties not attributable to the lessee, each lease will contain appropriate conditions fixing such minimum production of phosphates or phosphate rock from the land.

6. **Application for lease.**—Application for a lease must be under oath and filed in the proper district land office, addressed to the Commissioner of the General Land Office. No specific form is required and no blanks will be furnished, but the application should cover the following points:

- (a) Applicant's name and address.
- (b) Citizenship of applicant, whether native born or naturalized; and if naturalized, furnish a certificate thereof in the form provided for use in public land matters, if one is not already on file in the Land Department; if an association, citizenship of each member must be shown; if a corporation, furnish a certified copy of its articles of incorporation and a showing as to the residence and citizenship of its stockholders.
- (c) A statement that the applicant holds no lease of phosphate lands under said act within the State in which the land is situated; nor, as a member of an association or stockholder in a corporation, holds any interest or interests in any lease or leases of phosphate

lands under said act, which, together with the lands applied for, exceed in the aggregate 2,560 acres.

(*d*) Description of the land, whether vacant or unclaimed; if surveyed, by legal subdivisions; if unsurveyed, by metes and bounds, and where possible by the approximate subdivisions the land will be when surveyed. If the land is unsurveyed, a survey thereof at the expense of the applicant must be provided for prior to the execution of a lease thereof, as provided in section 10 of the act.

(*e*) Description of the phosphate deposits in the land, giving nature and extent thereof; the proposed method of mining and reduction of same; and proposed investment in mining operations thereon and reduction facilities therefor if a lease be granted the applicant.

7. **Action by local office.**—Registers and receivers will assign current serial numbers to such applications when filed, promptly note their records, and require a notice of the application to be published at the expense of the applicant for a period of 30 days in a newspaper of general circulation in the county in which the deposits are situated, advising all adverse claimants or protestants that if they desire to object, or protect any interest as against the applicant, prompt action to that end should be taken, and upon proof of such publication, transmit the applications to the General Land Office with report of record status of the land described therein.

After receipt of such an application, no filing for any of the land described therein will be accepted until so directed, unless the application be rejected.

8. **Action on application.**—Upon consideration of the application in the General Land Office, if the tracts of land or deposits are found subject to lease and the application is otherwise satisfactory, a lease substantially in the form herewith will be submitted to the applicant for his execution.

9. **Action by successful applicant.**—The successful applicant will be allowed 30 days after receipt of the lease for execution within which to (*a*) file in the district office the lease duly executed by him in triplicate and in the form herein prescribed; (*b*) file evidence of citizenship and qualifications as required by paragraph 6 hereof, if not theretofore filed by him; (*c*) file the bond required by paragraph 2 *b* of the lease, or United States bonds in lieu thereof under the act of February 24, 1919 (40 Stat., 1148); and (*d*) pay the annual rental for the first year of the lease.

10. **Action by local office.**—At the end of the 30 days allowed the successful applicant, or sooner if the foregoing be complied with by him, the local officers will forward by special letter all papers with full report of action taken.

11. Form of lease.—Leases hereunder will be in substantially the following form:

Land Office at _____

Serial No. _____

The United States of America, Department of the Interior.

**MINING LEASE OF PHOSPHATE LANDS UNDER ACT OF
FEBRUARY 25, 1920.**

Date. This indenture of lease, entered into, in triplicate, this _____ day of _____, A. D. 19____, by and between the United States of America, acting in this behalf by _____, Secretary of the Interior, party of the first part, hereinafter called the lessor, and _____ of _____, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress, approved February 25, 1920 (41 Stat., —), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," hereinafter called the "act."

WITNESSETH:

That the lessor, in consideration of the rents and royalties to be paid and the covenants to be observed as hereinafter set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine and dispose of all the phosphate and phosphate rock in, upon, or under the following described tracts of land, situated in the State of _____, to wit: _____

Description of land.
Mining and surface rights.

containing _____ acres, more or less, together with the right to construct all such works, buildings, plants, structures, and appliances as may be necessary and convenient for the mining and preparation of the phosphates for market, the manufacture of products thereof, the housing and welfare of employees, and, subject to the conditions herein provided, to use so much of the surface as may reasonably be required in the exercise of the rights and privileges granted.

SECTION 1. That the lessor expressly reserves:

Rights reserved by lessor.
Easements.

(1 a) The right to permit for joint or several use such easements or rights of way, including easements in tunnels upon, through, or in the land leased, occupied, or used as may be necessary or appropriate to the working of the same or other lands containing the deposits described in said act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees or permittees, and for other public purposes.

Disposition of surface.

(1 b) The right to lease, sell, or otherwise dispose of the surface of said lands or any part thereof under existing law or laws hereafter enacted, in so far as said surface is not necessary for the use of the lessee in the mining and removal of the phosphates therein, and to lease other mineral deposits in the lands, under the provisions of said act.

(1 c) Full power and authority to carry out and enforce all the provisions of section 30 of said act to insure the sale of the pro-

duction of said leased lands to the United States and to the public at reasonable prices, to prevent monopoly, and to safeguard the public welfare. Monopoly and fair prices.

SEC. 2. The lessee in consideration of the lease of the rights and privileges aforesaid hereby covenants and agrees as follows:

(2 a) To invest in actual mining operations, development or improvements upon the land leased, or for the benefit thereof, the sum of _____ dollars, of which sum not less than one-third shall be so expended during the first year succeeding the execution of this instrument and a like sum each of the two succeeding years, unless sooner expended; and submit annually, at the expiration of each year for the said period, an itemized statement of the amount and character of said expenditure during such year. Investment.

(2 b) To furnish a bond in the sum of \$10,000, conditioned upon the expenditure of the amount specified herein (2 a), and after said investment has been made, a similar bond in the sum of \$5,000, conditioned upon compliance with the terms and provisions of this lease. Bond.

(2 c) To pay as an annual rental for each acre or part thereof covered by this lease the sum of 25 cents per acre for the first year, payment of which amount is hereby acknowledged, the sum of 50 cents per acre per year for the second, third, fourth, and fifth years, and \$1 per acre for the sixth and each succeeding year during the life of this lease, all such annual payments of rental to be made to the receiver of the United States land office of the district in which said land is situated, on the anniversary of the date hereof, and to be credited on the first royalties to become due hereunder during the year for which said rental was paid. Annual rental.

(2 d) To pay to such receiver a royalty of _____ per cent (not less than 2 per cent) of the gross value of the output of phosphates or phosphate rock at the mine during the first 20 years succeeding the execution of this lease. (Special provisions suited to operations under the lease may be here inserted if found necessary.) Royalties shall be payable quarterly within 30 days from the expiration of the quarter in which the phosphates are mined. Royalty.

(2 e) To determine accurately the weight or quantity of all phosphates or phosphate rock mined from the leased premises, and to accurately enter the weight or quantity thereof in due form in books to be kept and preserved by the lessee for such purpose. Record of phosphates mined.

(2 f) To furnish quarterly, within 30 days after the expiration of the quarter, a written report covering such quarter, certified under oath by the superintendent of the mine, or by such other agent having personal knowledge of the facts as may be designated by the lessee for such purpose, showing the amount of phosphates or phosphate rock mined during the quarter, the character and quality thereof, and amount of its products and by-products disposed of and price received therefor, and amount of phosphates or phosphate rock and its products in storage or held for sale. Quarterly reports.

(2 g) Also to furnish in such manner and form as may be prescribed by the lessor, at the end of each year, beginning on the first anniversary of the date of the lease, and at such other times as the lessor may require, a plat showing all development work and improvements on the leased lands, and other related information, Annual reports.

with a report under oath as to all buildings, structures, or other works placed in or upon said leased lands, accompanied by a report in detail as to the stockholders, investment, depreciation, and cost of operation, together with a statement as to the amount of phosphate or phosphate rock produced and sold, and the amount received therefor, by operations hereunder.

Mine maps.

(2 h) To keep at the mine office clear, accurate, and detailed maps, on a scale not more than 200 feet to the inch, in the form of horizontal projections on tracing cloth, of the workings in each phosphate bed in each separate mine on the leased lands, a separate map to be made for each such bed, and for the surface immediately over the underground workings, and to be so arranged with reference to a public land corner that the maps can be readily superimposed.

Progress maps.

Blue prints or reproductions in duplicate of the maps required as aforesaid shall be furnished the lessor when made, and supplemental prints or reproductions in duplicate furnished on or before the first day of each succeeding year, showing the extensions, additions, and changes since the last map or supplement was submitted. All mine progress maps kept by the lessee shall at all times be subject to examination by lessor.

Minimum production.

(2 i) That, beginning with the fourth year of the lease, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, the lessee shall mine each year and pay a royalty thereon, not less than _____ tons of phosphate rock from the leased premises, unless operations are suspended as provided in section 11 of the act.

Assignment of lease.

(2 j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the leased premises without the written consent of the lessor being first had and obtained.

Readjustment of terms.

SEC. 3. It is mutually understood and agreed that the lessor shall have the right to readjust and fix the royalties payable hereunder and other terms and conditions including amount of minimum annual production, at the end of 20 years from the date hereof, and thereafter at the end of each succeeding 20-year period during the continuance of this lease unless otherwise provided by law at the time of the expiration of any such period, but in case the lessee be dissatisfied with the rate of royalty or other terms and conditions so fixed, he may terminate this lease in the manner and under the conditions provided in sections 6 (b) and 6 (c) hereof.

SEC. 4. This lease is made subject to the following provisions, which the lessee accepts and covenants faithfully to perform and observe, unless the laws of the State where the leased land or deposits are situated otherwise provides, in which case such State laws control:

Operating regulations.

(4 a) The lessee shall carry out and observe regulations prescribed by the Secretary of the Interior and in force at the date hereof relative to (1) reasonable diligence, skill, and care in the operation of said property in accordance with approved methods and practices, (2) the prevention of undue waste, and (3) the safety and welfare of miners.

Payment of wages.

(4 b) And also shall pay all miners and other employees, both above and below ground, at least twice each month in lawful money

of the United States, and shall permit such miners and other employees full and complete freedom of purchase, but with a view to increasing safety this provision shall not apply to the purchase of explosives, detonators, or fuses; and shall not require or permit miners or other employees, except in case of emergency, to work underground for more than eight hours in any one workday, and shall not employ any boy under the age of 16 years or any girl or woman without regard to age in any mine below the surface.

Freedom of purchase.

Eight - hour workday.

SEC. 5. And the lessee also expressly agrees that all mining and related operations shall be subject to the inspection of authorized representatives of the lessor, and that such representatives may at all times enter into and upon the leased lands and survey and examine same and all surface and underground improvements, works, machinery, equipment, and operations.

Inspection.

(5 a) And also shall permit the lessor to examine all books and records pertaining to operations under this lease and to make copies of and extracts from any or all of same, if desired.

Examination of books and records.

(5 b) And also shall permit the lessor, or its lessees or transferees, with the approval of the lessor, to make and use upon or under the leased lands any workings necessary for freeing any other mine from water or gas, or extinguishing fires, causing as little damage or interference as possible to or with the mine or mining operations of the lessee hereunder: *Provided*, That any such use by a transferee or another lessee shall be conditioned upon the payment to the lessee hereunder of the amount of actual damages sustained thereby and adequate compensation for such use.

Operations on adjoining lands.

(5 c) And also shall, at the termination of this lease, as the result of forfeiture thereof, pursuant to paragraph (6 d), deliver up to the lessor the lands covered thereby, including all fixtures, machinery, improvements, and appurtenances, other than strictly personal property, situate on any of said lands, in good order and condition, so as to permit of immediate continued operation to the full extent and capacity of the leased premises.

Result of forfeiture.

SEC. 6. It is further mutually understood and agreed as follows:

(6 a) That the lessor may in writing waive any breach of the covenants and conditions contained herein except such as are required by the act, but any such waiver shall extend only to the particular breach so waived and shall not limit the rights of the lessor with respect to any future breach; nor shall the waiver of a particular cause of forfeiture prevent cancellation of this lease for any other cause, or for the same cause occurring at another time.

(6 b) The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; and the lessee may with like consent surrender any legal subdivision of the area included within the lease; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any

Surrender of lease.

mines or productive works or permanent improvements on the lands covered hereby.

Privilege of
purchasing equip-
ment.

(6 c) That on the termination of this lease, pursuant to the last preceding paragraph, the lessor, his agent, licensee, or lessee shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment, and tools, placed by the lessee in or on the land leased hereunder, save and except all underground timbering, and such other supports and structures as are necessary for the preservation of the mine, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid, shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party hereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings or other property shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property, except said timbering and other supports and structures, as are necessary for the preservation of the mine, as aforesaid.

Forfeiture.

(6 d) If the lessee shall fail to comply with the provision of the act or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or in the general regulations promulgated and in force at date hereof, the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided in section 31 of the act, but this provision shall not be construed as depriving the lessor of any legal or equitable remedy which the lessor might otherwise have.

Action by lessor to prevent loss or damage.

SEC. 7. It is further covenanted and agreed that, should the lessee fail to take prompt and necessary steps to prevent loss or damage to the mine, property, or premises, or danger to the employees, the lessor may enter on the premises and take such measures as may be deemed necessary to prevent such loss or damage or to correct the dangerous or unsafe condition of the mine or works thereof, which shall be at the expense of the lessee.

Continuing obligation.

SEC. 8. It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

SEC. 9. It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909

(35 Stat. 1109), relating to contracts enter into and form a part of this lease so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA,
By _____
Secretary of the Interior, Lessor.

Witnesses, _____

Lessee.

12. Use permits for additional lands.—Under section 12 of the act a lessee may be granted a right to use the surface of not exceeding 40 acres of unappropriated and unentered land as may be necessary for the proper prospecting for or development, extraction, treatment, or removal of the phosphate deposits in the leased lands.

Applications for permits for such additional tracts shall be filed in the district office having jurisdiction over the lands and should identify the lease by the serial number under which issued, and be filed under the same number. Such applications must be under oath and set forth the specific reasons why the additional tract is necessary to the lessee for the use named, describe the land desired by legal subdivision if surveyed, and if unsurveyed, by the approximate description it will be when surveyed, and also set forth the reasons why the land is desirable and adapted to the uses named, either in point of location, topography, or otherwise, and that it is unoccupied and unappropriated.

FORM OF USE PERMIT UNDER SECTION 12.

Land Office at _____
Serial No. _____

THE UNITED STATES OF AMERICA,
DEPARTMENT OF THE INTERIOR.

USE PERMIT UNDER SECTION 12, ACT OF FEBRUARY 25, 1920.

Know all men by these presents, that the Secretary of the Interior, under and by virtue of the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," hereby grants to _____, holder of lease bearing serial No. _____, the exclusive right, so long as needed, used, and occupied during the life of the aforesaid lease, the use of the surface of the following described tract of land, to wit, _____

_____ for the proper prospecting for or development, extraction, treatment, or removal of the phosphate deposits covered by the aforesaid lease, all rights hereunder to cease and terminate upon the termination of the aforesaid lease.

Dated this _____ day of _____, 19__.

Secretary of the Interior.

13. Repealing and saving clause.—Section 37 of the act provides that hereafter the deposits of coal, phosphate, sodium, oil, oil shale, and gas referred to and described in the act may be disposed of only in the manner provided by the act, "except as to valid claims existent at date of passage of this act, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under said laws, including discovery." As to phosphate claims, those claims initiated under the preexisting law may go to patent which, at the date of the act, were valid mining locations, duly made and maintained as such on lands subject to such location at the date initiated.

14. Fees and commissions.—(a) For receiving and acting upon each application for lease filed in the district land office in accordance with these regulations, there shall be paid by the applicant a fee of \$2 for every 160 acres or fraction thereof in the application, such fee in no case to be less than \$10, the same to be considered as earned when paid, and to be credited in equal parts to the compensation of the register and receiver within the limitations provided by law.

(b) Registers and receivers shall be entitled to a commission of 1 per cent of all moneys received in each register's office, to be equally divided between the register and receiver. Such commission will not be collected from the applicant or lessee in addition to the moneys otherwise provided to be paid.

It should be understood that the commissions herein provided for will not affect the disposition of the proceeds arising from operations under the act, as provided in section 35 thereof; also that such commissions will be credited on compensation of registers and receivers only to the extent of the limitation provided by law for maximum compensation of such officers.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved May 22, 1920.

JOHN BARTON PAYNE,
Secretary of the Interior.

**AN ACT TO PROMOTE THE MINING OF COAL, PHOSPHATE, OIL,
OIL SHALE, GAS, AND SODIUM ON THE PUBLIC DOMAIN.**

(Public No. 146, 41 Stat., —.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

[Sections 2 to 58, inclusive, relates to coal.]

SEC. 6. That where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

[Sections 7 and 8 relate to coal.]

PHOSPHATES.

SEC. 9. That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this Act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt.

SEC. 10. That each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conforming to and taken in accordance with the legal subdivisions of such survey;

deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width.

SEC. 11. That for the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall be not less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively; and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease can not be operated except at a loss.

SEC. 12. That any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this Act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits.

[Sections 13 to 25, inclusive, relate to oil and gas, oil shale, Alaska oil proviso, and sodium.]

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES.

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him.

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as

a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for the purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or line of railroads to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas

or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force

at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production $52\frac{1}{2}$ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production $37\frac{1}{2}$ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine

that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act.

Approved, February 25, 1920.

CIRCULAR No. 697

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington

May 26, 1920.

: Instructions relating to petitions
: for designation of lands under the
: stock-raising homestead law.

Registers and Receivers,
United States Land Offices.
Sirs:

The present procedure in handling petitions for the designation of lands under the stock-raising law is not entirely satisfactory, and in order that there may be more cooperation in the work relating thereto between your office, this office and the Geological Survey, and to facilitate the action on such petitions, the following instructions are given to be effective beginning July 1, 1920, and regulations in conflict herewith will not be followed after that date.

1. When applications to enter land under the stock-raising act are filed in your office, together with petitions for designation of the lands in duplicate, you will note on each paper filed the date of the filing thereof, compare the petitions with the applications as to serial numbers and the description of the lands involved. The facing sheet to be attached to each petition as heretofore, should be made from the application and petitions, the greatest care being used to have it state correctly the serial numbers of each application and entry and the description of the lands in each by parts of sections, township and range.
2. Instead of forwarding the petitions in duplicate to this office, you will, at the end of the month in which filed, send the duplicate petitions with facing sheets in each case direct to the Director, U.S. Geological Survey, Washington, D.C., noting on the original petition, which will be forwarded to this office with your monthly returns as heretofore, a statement as follows: "Duplicate petition to Geological Survey," giving date thereof. The applications to enter will be held by you as heretofore until you are advised of the designation of the lands through this office. In cases of applications to make second homestead entries and applications to amend, of course, the applications themselves should be forwarded to this office with the original petition for designation, the duplicate petition and facing sheet having been sent to the Geological Survey as above stated.
3. Before transmitting petitions for designation to this office and to the Geological Survey under these instructions, you will carefully examine your records to determine whether or not the lands applied for have been designated. If so, you should proceed to act upon the application to enter and the petition should not be forwarded to the Geological Survey, but should be attached to the application to make entry and forwarded to this office after appropriate action has been taken by you.
4. Because of the fact that many applications are pending in your offices involving the designation of lands under the stock-raising law, of which the

Geological Survey has no record, and because of the withdrawal or final closing out of cases, petitions in which have been sent the Geological Survey and no notice given of such withdrawal or closing, it is contemplated that registers and receivers will be called upon at least twice every year for a list of all stock-raising applications in their suspended files; your records should, therefore, be so kept as to enable you to furnish this data when called upon with the least possible trouble and expenditure of time. Said semi-annual calls will be made probably about November 1 and May 1, of each year. Such list will contain the serial numbers and the names of the applicants.

5. Protests as to the character of the land in stock-raising applications and stock-raising entries received in your office should be sent direct to the Director, U.S. Geological Survey, for consideration and report to this office.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved:

ALEXANDER T. VOGELSANG,

First Assistant Secretary.

RECEIVED
U. S. LAND OFFICE 28137
BILLINGS MONT.
Date DEC 11 1928

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 28, 1928.

"A" CAO

Registers,

United States Land Offices.

Sirs:

This office has recently been very much embarrassed by the failure of a register to forward directly to the Director of the Geological Survey, Washington, D. C., the duplicate petition for the designation of lands embraced in a stock raising homestead application, as required by the regulations contained in paragraph 12(d) of Circular 523, dated January 2, 1925. This rule was first put into effect on May 26, 1920, under Circular 697, so that all district land offices and the employees therein should be familiar therewith.

As a result of the failure of the register in the case referred to, the applicant was delayed for nearly two years in having action taken on his application.

You are therefore directed to use extreme care in such cases and to see to it that such petitions are forwarded as directed by the regulations.

Very respectfully,

WILLIAM SPRY,

Commissioner.

OFFICE OF THE
DIRECTOR OF THE
BUREAU OF THE
CENSUS
WASHINGTON, D. C.

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THE BUREAU OF THE CENSUS HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER OF THE 10TH INSTANT, IN WHICH YOU REQUESTED A COPY OF THE REPORT OF THE COMMISSIONER OF THE BUREAU OF THE CENSUS, FOR THE YEAR 1910. THE REPORT IS BEING PREPARED AND WILL BE FURNISHED TO YOU AS SOON AS IT IS AVAILABLE.

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Very respectfully,
Director

Enclosure

1910

DEPARTMENT OF THE INTERIOR

General Land Office - - Circular No. 699

REGULATIONS

CONCERNING

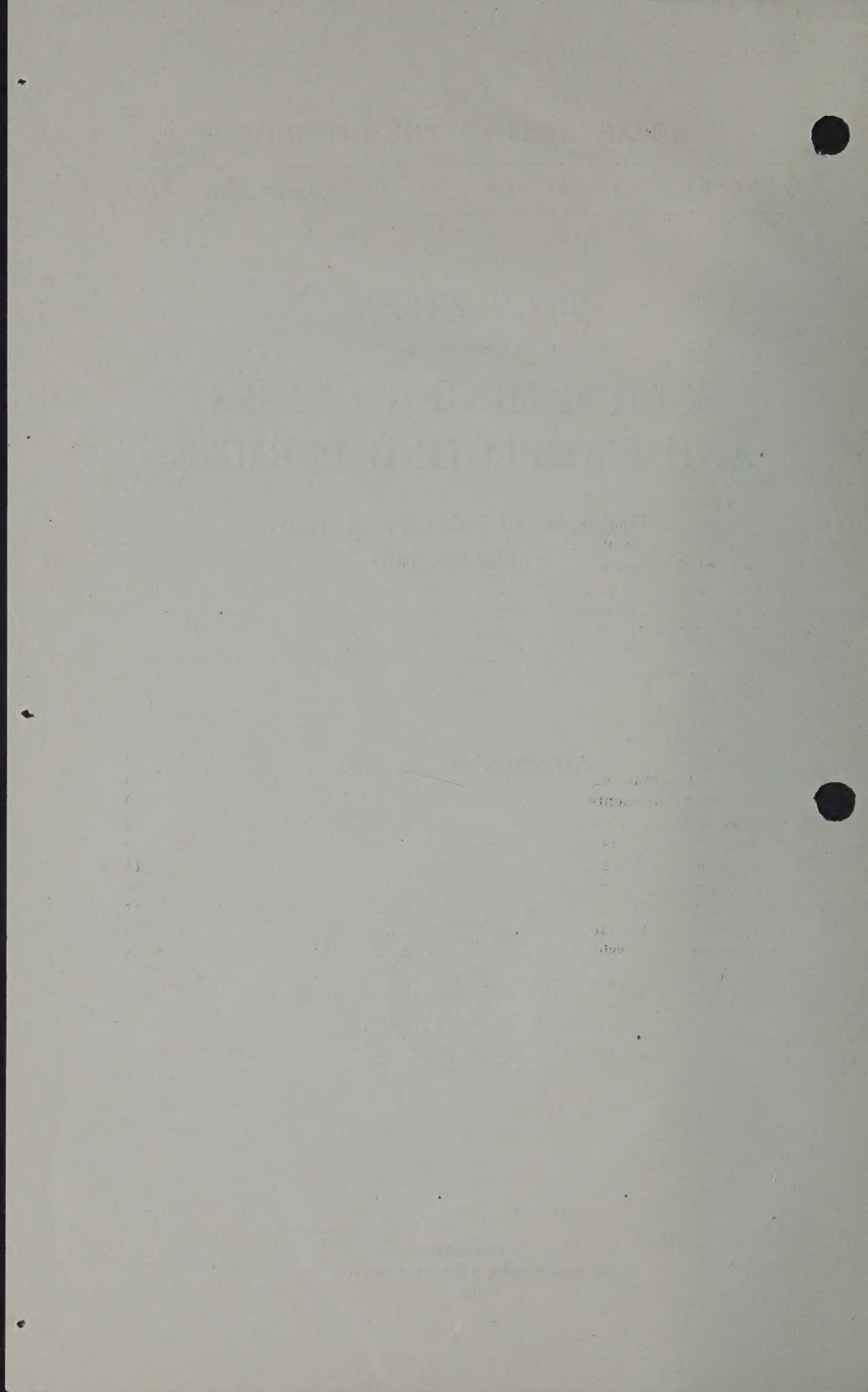
SODIUM MINING LEASES
AND PROSPECTING PERMITS

Under Act of February 25, 1920
(Public No. 146)

APPROVED MAY 28, 1920



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920



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DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 28, 1920.

SODIUM REGULATIONS.

PERMITS AUTHORIZING EXPLORATION OF PUBLIC LANDS FOR
SODIUM.

Registers and receivers, United States land offices:

SIRS: The act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" (Public No. 146), authorizes the Secretary of the Interior, under such rules and regulations as he may prescribe, to issue prospecting permits, for a period not to exceed two years, for the exploration of the land described therein for sodium in any of the forms named in said act, and under authority thereof the following rules and regulations will govern the issuance of such permits:

1. *Qualifications of applicants.*—Permits may be issued to (a) citizens of the United States, (b) an association of such citizens, (c) or a corporation organized under the laws of any State or Territory thereof.

2. *Lands to which applicable.*—The permit thus issued may include not more than 2,560 acres of public lands of the United States in reasonably compact form, by legal subdivisions if surveyed; if unsurveyed, by metes and bounds description.

3. *Rights under permit.*—The permit will confer upon the recipient the exclusive right to prospect for chlorides, sulphates, borates, silicates, or nitrates of sodium, dissolved in and soluble in water, and accumulated by concentration, on the lands embraced therein. In the exercise of this right the permittee shall be authorized to remove from the premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits or any of them in commercial quantities.

4. *Reward for discovery.*—If the permittee within the two years specified shall discover valuable deposits of one or more of the forms of sodium as described in said act within the area covered by his permit, such discovery shall entitle him to a lease of one-half the land embraced in the permit, to be taken in compact form. The dis-

covery of a valuable deposit of sodium under this permit shall be construed as the discovery of a deposit which yields commercial sodium in commercial quantities.

The remainder of the land embraced in such permit, if containing deposits of sodium, will thereafter become subject to lease, under such regulations as may be found requisite in dealing with the land containing said deposit, the permittee having a preference right to lease such remainder.

5. *Camp sites.*—In addition to land embraced in the permit, the Secretary may, in his discretion, issue to the permittee, during the life of the permit, the exclusive right to use a tract of unoccupied, nonmineral public land, not exceeding 40 acres in area, for purposes connected with and necessary to the development of the deposits covered by the permit, subject to the payment of an annual rental of not less than 25 cents per acre.

6. *Form and contents of application.*—Applications for permits should be filed in the proper district land office, addressed to the Commissioner of the General Land Office, and after due notation promptly forwarded for his consideration. No specific form of application is required, but it should cover, in substance, the following points, namely:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant; by affidavit of such fact, if native born; or, if naturalized, by the certificate thereof or affidavit as to time and place when issued; if a corporation, by certified copy of the articles thereof.

(c) Description of land for which the permit is desired, by legal subdivisions, if surveyed, and by metes and bounds, if unsurveyed, in which latter case, if deemed necessary, a survey sufficient more fully to identify and segregate the land may be required before the permit is granted; also a statement whether the land is vacant and unclaimed.

(d) Reasons why the land is believed to offer a favorable field for prospecting.

(e) Proposed method of conducting exploratory operations, amount of capital available for such operations, and the diligence with which such explorations will be prosecuted.

(f) Statement of the applicant's experience in operations of this nature, together with references as to his character, reputation, and business standing.

7. On the receipt of the application, if found in compliance with the terms of the act, a permit will issue and the district land officers be promptly notified thereof.

8. *Form of permit.*—The form of permit issued under this act will be in substance as follows:

THE UNITED STATES OF AMERICA,
Department of the Interior.

SODIUM PROSPECTING PERMIT.

Know all men by these presents, that the Secretary of the Interior, under and by virtue of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, has granted and does hereby grant a permit to _____ of the exclusive right for a period of two years from date hereof to prospect the following described lands _____ for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, dissolved in and soluble in water, and accumulated by concentration, but for no other purpose, upon the express conditions as follows, to wit:

1. To begin the prospecting for said minerals within ninety days from date hereof and to diligently prosecute the exploration and experimental work during the period of such permit, in the manner and extent as follows, to wit:

2. To remove from said premises only such material as may be necessary to experimental work and the demonstration of the existence of such deposits in commercial quantities.

3. To afford all facility for inspection of such exploratory work on behalf of the Secretary of the Interior, and to report fully when required all matters pertaining to the character, progress, and results of such exploratory work, and to that end to keep and maintain such accounts, logs, or other records, as the Secretary of the Interior may require.

4. Not to assign or transfer the permit granted hereby without the express consent in writing of the Secretary of the Interior.

Expressly reserving to the Secretary of the Interior the right to permit for joint or several use such easements or right of way upon, through or in the lands covered hereby, as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in said act; *and further reserving* the right and authority to cancel this instrument for failure of the permittee or licensee to exercise due diligence in the execution of the prospecting work in accordance with the terms hereof.

Valid existing rights, acquired prior hereto, on the lands described herein, will not be affected hereby.

In witness whereof I have affixed my signature hereto and the seal of the Department this _____ day of _____, 19___

-----,
Secretary of the Interior.

II.

REGULATIONS PERTAINING TO LEASES FOR LANDS CONTAINING SODIUM.

The act of February 25, 1920 (Public No. 146), in section 24, authorizes the Secretary of the Interior, under such general regulations as he may adopt, to lease, for the production of the sodium and other mineral deposits contained therein, public lands, except those in San Bernardino County, California:

A. Known to contain sodium in commercial quantity and character and found in some or any of the forms described in said act.

B. Embraced in any permit, under which the existence of such deposits has been demonstrated, but not included in the lease awarded to the permittee, and by virtue of such authority the following regulations are hereby prescribed:

1. *Qualifications of applicants.*—Applications for leases in the form as herein provided may be filed in the proper district land office, addressed to the Commissioner of the General Land Office for any lands in classes A and B, by citizens of the United States, an association of such citizens or corporations organized under the laws of any State or Territory thereof; the qualifications of the applicant in this respect to be fully covered by the application.

2. *Area and description.*—Leases are authorized by the terms of the act for an area not exceeding 2,560 acres, but will be granted only for such area as may be shown to the satisfaction of the Secretary of the Interior to contain deposits of sodium, in such form and quantities as to constitute a commercial value, and will be limited to lands reasonably compact in form and described by legal subdivisions of the public land surveys, if surveyed, or if unsurveyed, by the approximate description they will bear when surveyed; the survey in the latter case to be made at the expense of the applicant if the application for lease is otherwise found satisfactory, the descriptions of the land in the lease when granted to conform to the official survey.

3. *Action by register and receiver.*—Applications when filed with the district land office will be given the current serial number, promptly noted of record and transmitted to the Commissioner of the General Land Office, accompanied by a statement as to the status of the lands embraced therein. After the receipt of such applications, no applications, filings, or selections for the lands embraced therein will be permitted until so directed; except applications for leases under this act.

4. *Notice of application.*—When an application for a lease is filed in the district land office, notice thereof shall be published at the expense of the applicant in a general newspaper to be designated by the register, published in the county where the lands are situated, describing the lands embraced therein, stating the purpose of the application and that it will be submitted to the Commissioner of the General Land Office for action within 30 days from the date fixed therein, advising all adverse claimants or protestants that if they desire to object or protect any interest as against the application, prompt action to that end should be taken; and further advising the public that any other applications for lease of the same lands may be filed at any time during said period of publication without publication of notice of said second or further application, in which case applications so filed will be considered as prescribed in section 5 hereof. Proof of publication will be required prior to action by the commissioner on the application for lease.

5. *Action in General Land Office.*—On the receipt of the application or applications in the General Land Office, the same will be considered, investigation made if deemed necessary, and submitted to the Secretary of the Interior with appropriate recommendation and report as to the proper action to be taken thereon, giving due consideration to the proposed effectual development of the alleged sodium deposits, and the amount of capital to be invested therein; the award of priority in case of conflicting applications to be determined by the respective proposed investments, date of productive development proposed by the several applicants, and any equities that may exist in one or more of the applicants resulting from improvement or development under claims made under other laws.

6. *Lease by permittee.*—The permittee for lands in class B has a preference right within the two years of his permit to file application to lease any or all of the land included in his permit, upon showing to the satisfaction of the Secretary of the Interior that he has discovered a valuable deposit of sodium thereon. Any lands not leased by the permittee will be subject to be leased by others under the terms set forth in sections 3, 4, and 5 of these regulations.

7. *Verity of statements.*—The verity of all representations contained in applications for leases shall be deemed an essential thereto, and a moving consideration to the award of a lease, if such action is taken; misrepresentations in this respect will be treated as a proper ground for proceedings in forfeiture, as provided in section 31 of the act.

8. *Lease a waiver of other claims.*—The acceptance of a lease under the provisions of this act will be construed as a waiver and relinquish-

ment of all claims on the part of the applicant for any lands embraced within said lease and claimed under the provisions of any other law.

9. *Form and contents of application.*—Applications for leases must be under oath, and should be filed in the proper district land office, addressed to the Commissioner of the General Land Office. No specific form of application is required, and no blanks will be furnished, but it should cover in substance the following points:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant, by affidavit of such fact, if native born; if naturalized, by a certified copy of a certificate thereof in the form provided for use in public land matters, unless such copy is on file. If the applicant is an association, each member thereof must show his qualifications as above stated; if a corporation, a certified copy of the articles of incorporation must be filed, together with a showing as to the residence and citizenship of its stockholders.

(c) A statement that the applicant has no lease under the provisions of this section, nor any other application for lease thereunder pending, and that he does not hold interests in such leases or applications which, with the land applied for, will exceed 2,560 acres in the same State.

(d) Description of land for which the lease is desired, by legal subdivisions if surveyed, and by metes and bounds if unsurveyed, in which latter case the description should be connected to some corner of the public land surveys where practicable, or to some permanent landmark. If the land is unsurveyed, the applicant, after he has been awarded the right to a lease, but before the issuance thereof, will be required to deposit with the United States surveyor general of the State where the land is located the estimated cost of making a survey of the lands, any balance remaining after the work is completed to be returned. This survey will be an extension of the public land surveys over the tract applied for, the leased land to be conformed to legal subdivisions of such survey when made.

(e) Evidence that the land is valuable for its sodium content, except so much thereof as is necessary for the extraction and reduction of the leased minerals, with a statement as accurate as may be of the character and extent and mode of occurrence of the sodium deposits in the lands applied for.

(f) Proposed method, so far as determined, as to the process of mining and reduction to be adopted, the diligence with which such operations will be carried on, and the contemplated investment in reduction works and development, and the capital available therefor.

(g) The application shall be accompanied by a notice for publication, in duplicate, prepared for the signature of the register, in substantially the following form:

Serial No. -----

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE AT -----,
-----, 19--

NOTICE OF APPLICATION FOR SODIUM LEASE.

Notice is hereby given that in pursuance of the act of Congress, approved February 25, 1920, -----, whose post office address is -----, has made application for sodium lease covering the following described lands:-----

Any and all persons claiming adversely any of the above described lands are required to file their claims in this office on or before -----, otherwise their claims will be disregarded in the granting of such lease.

-----, *Register.*

The register will fix the time within which adverse or conflicting claims may be filed at not less than 30 nor more than 40 days from first publication.

10. *Disposition of application.*—(a) The application will be given the current serial number by the register and receiver, noted on their records, and the notice for publication will be signed by the register.

(b) One copy of the signed notice will be delivered to the applicant, who will cause the same to be published in a newspaper to be designated by the register, of general circulation, and best adapted to give the widest publicity in the county where the land is situated. If the land is in two or more counties, notice must be published in each. Notice must also be posted in the local land office during the period of publication.

(c) At the expiration of the period of publication the evidence of publication and posting in said office should be promptly transmitted by the register and receiver to the Commissioner of the General Land Office, with a statement of the status of the land involved as to conflicts, withdrawals, protests, and any other matters that may be necessary to determine the availability of the land or deposits therein for lease.

11. *Form of lease.*—

Serial No. -----

DEPARTMENT OF THE INTERIOR,
U. S. LAND OFFICE AT -----
SODIUM LEASE.

Date—Parties.—This indenture of lease entered into in triplicate this ----- day of -----, 19--, by and between the United States of America, acting in this behalf by

-----, Secretary of the Interior, party of the first part, hereinafter called the lessor, and -----
 -----, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved February 25, 1920 (Public No. 146), entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," hereinafter referred to as the act, which is made a part hereof, witnesseth;

SEC. 1. *Purposes.*—That the lessor, in consideration of the rents and royalties to be paid, and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee the exclusive right and privilege to mine, remove, and dispose of all the sodium and other minerals in, upon, or under the following-described tracts of land situated in the County of -----, State of -----, and more particularly described as follows, to-wit: -----, containing -----

acres, more or less, together with the right to construct and maintain thereupon all works, buildings, plants, waterways, or reservoirs necessary to the full enjoyment hereof, together also with the right to use any timber, stone, or other materials on said land in connection with the operations to be conducted hereunder, for an indeterminate period, upon condition that at the end of each twenty-year period succeeding the date hereof such readjustment of terms and conditions may be made as the party of the first part may determine; provided, that this lease shall extend only to or include any right or interest in the lands, or the minerals therein, reserved to the United States under any entry that may be allowed, or patent that may issue, or may have issued, with a reservation of minerals to the United States.

SEC. 2. In consideration of the foregoing the lessee hereby agrees:

(a) To invest in actual development, or improvements, upon the land leased, or for the benefit thereof, the sum of ----- dollars, of which sum not less than one-third shall be so expended during the first year succeeding the execution of this instrument and a like sum each of the two succeeding years, unless sooner expended; and submit annually, at the expiration of each year for the said period, an itemized statement of the amount and character of said expenditure during such year.

To furnish a bond in the sum of \$10,000, conditioned upon the expenditure of the amount specified in (a) hereof, and after said investment has been made, a similar bond in the sum of \$5,000, conditioned upon compliance with the terms and provisions of this lease.

(b) *Royalty.*—To pay a royalty of ----- per cent (not less than 12½ per cent) of the amount or value of the production of the lands leased.

(c) *Rents*.—To pay the receiver of the district land office on all leases annually, in advance, beginning with the date of the execution of the lease, the following rentals: Fifty cents per acre for the first calendar year or fraction thereof; and one dollar per acre for each and every calendar year thereafter during the continuance of the lease, such rental for any year to be credited against the royalties as they accrue for that year.

(d) *Taxes*.—To pay when due all taxes assessed and levied under the laws of the State upon the improvement, output of mines, or other rights, property, or assets of the lessee.

(e) *Monthly statements*.—To furnish monthly certified statements in detail in such form as may be prescribed by the lessor of the amount and value of output from the leasehold as a basis for determining amount of royalties. All books and accounts of the lessee shall be open at all times for the inspection by any duly authorized officer of the department. Falsification of such statements shall be a basis for action for the cancellation of the lease.

(f) *Plats and reports*.—To furnish annually a plat in the manner and form prescribed by the Secretary of the Interior showing all prospect and development work on the leased lands, and other related information, with a report as to all buildings, structures, or other works placed in or upon said leased lands, or on lands covered by permit issued under section 25 of the act, as well as any buildings, reduction works, or equipment, situated elsewhere and owned or operated in conjunction with, or as a part of, the operations conducted hereunder, accompanied by a report, in detail, as to the stockholders, business transacted, assets and liabilities of the lessee, together with a statement of the amount of sodium, and other minerals produced and secured by operations hereunder, and the cost of production thereof.

(g) *Sodium in solution*.—Where the minerals are taken from the earth in solution, such extraction shall not be within five hundred feet of the boundary line of leased lands without permission from the Secretary of the Interior.

(h) *Diligence—Prevention of waste—Health and safety of workmen*.—To develop and produce in commercial quantities, with reasonable diligence, the sodium and other mineral deposits susceptible of such production in the lands covered hereby; to carry on all mining, reducing, refining, and other operations, in a good and workmanlike manner in accordance with approved methods and practice, having due regard to the health and safety of miners and other employees, the prevention of waste and the preservation and conservation of the property for future productive operations, observing all State laws relative to the health and safety of such workmen and employees, all mining and related productive operations to be subject to the inspection of the lessor.

(i) *Forfeiture of lease.*—To deliver up to the lessor on the termination of this lease, as a result of forfeiture thereof pursuant to section 31 of the act, the lands covered thereby, together with any land permission for the use of which has been granted under and pursuant to the provisions of section 25 of said act, including all fixtures, improvements, and appurtenances, other than machinery, tools, and personal property located and used above ground, situate on any of said lands, in good order and condition, so as to permit of immediate continued operation to the full extent and capacity of the leased premises: *Provided*, That on such forfeiture the lessor, his agent, licensee, or lessee shall have the exclusive right, at the lessor's option and at any time within six months from such forfeiture, to purchase such machinery, tools, and personal property and employees, all mining and related productive operations to be determined in the manner prescribed in section 5 of this lease.

(k) *Reserved deposits.*—To comply with all statutory requirements where the surface of the lands embraced herein has been disposed of under laws reserving to the United States the mineral deposits therein.

(l) *Assignment.*—Not to assign or sublet, without the consent of the Secretary of the Interior, the premises covered hereby.

(m) *Excess holdings.*—To observe faithfully the provisions of section 27 of the act whereunder this lease is executed, as to the interest or interests that may be taken or acquired under leases authorized by said act.

(n) *Minimum production.*—Beginning with the fourth year of the lease, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, to produce each year and pay the royalty thereon of not less than ----- tons of sodium, in some of the forms specified herein from the premises covered hereby.

SEC. 3. The lessor expressly reserves:

(a) *Easements and rights of way.*—The right to permit for joint or several use such easements or rights of way upon, through, or in the lands hereby leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act; and the treatment and shipment of the products thereof, by or under authority of the Government, its lessees or permittees, and for other public purposes.

(b) *Disposition of surface.*—The right to dispose of the surface of the land embraced herein under existing law, or laws hereafter enacted, in so far as said surface is not necessary for use of the lessees in extracting and removing the deposits therein.

(c) *Monopoly and fair prices.*—Full power and authority to carry out and enforce all the provisions of section 30 of said act to insure the sale of the production of said leased lands to the United States

and to the public at reasonable prices, to prevent monopoly, and to safeguard the public welfare.

SEC. 4. *Surrender and termination of lease.*—The lessee may, on consent of the Secretary of the Interior first had and obtained, surrender and terminate this lease at any time after the first four years of the term herein provided for, by giving six months' notice in writing to the lessor, and upon payment of all rents, royalties, and other debts due and payable to the lessor, and upon payment of all wages or moneys due and payable to the workmen employed by the lessee, and upon a satisfactory showing to the Secretary of the Interior that the public interest will not be impaired; but in no case shall such termination be effective until the lessee shall have made provision for the preservation of any mines or productive works or permanent improvements on the lands covered by such relinquishment.

SEC. 5. *Purchase of materials, etc., on termination of lease.*—That on the termination of this lease, pursuant to the last preceding section, the lessor, his agent, licensee, or lessee, shall have the exclusive right, at the lessor's election, to purchase at any time within six months, at the appraised value thereof, all buildings, machinery, equipment and tools, whether fixtures or personalty, placed by the lessee in or on the land leased hereunder, or on lands covered by permit under section 25 of the act, save and except underground improvement, machinery, equipment, or structures, which shall be and remain a part of the realty without further consideration or compensation; that the purchase price to be paid for said buildings, machinery, equipment, and tools to be purchased as aforesaid shall be fixed by appraisal of three disinterested and competent persons (one to be designated by each party thereto and the third by the two so designated), the valuation of the three or a majority of them to be conclusive; that pending such election to purchase within said period of six months none of said buildings, or other property, shall be removed from their normal position; that if such valuation be not requested, or the lessor shall affirmatively elect not to purchase within said period of six months, the lessee shall have the privilege of removing said buildings and other property except said underground equipment and structures as aforesaid.

SEC. 6. *Judicial proceedings in case of default.*—If the lessee shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof, or of the general regulations promulgated and in force at date hereof, and such default shall continue for ninety days after service of written notice thereof by the lessor, then the lessor may institute appropriate proceedings in a court of competent jurisdiction for the forfeiture and cancellation of this lease as provided

in section 31 of the act. A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of this lease for any other cause of forfeiture, or for the same cause occurring at any other time.

SEC. 7. *Heirs and successors in interest.*—It is further agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties thereto.

SEC. 8. *Unlawful interest.*—It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent, or employee of the Department of the Interior, shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States, and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States, approved March 4, 1909 (35 Stat., 1109), relating to contracts, enter into and form a part of this lease so far as the same may be applicable.

In witness whereof—

THE UNITED STATES OF AMERICA,

By _____,

Secretary of the Interior, Lessor.

_____, *Lessee.*

_____, *Lessee.*

_____, *Lessee.*

Witnesses:

III.

USE PERMITS FOR CAMP SITE AND REFINING WORKS.

Section 25 of the act of February 25, 1920, "to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," provides:

"That in addition to areas of such mineral land which may be included in any such prospecting permits or leases the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land not exceeding forty acres in area for camp sites, refining works, and other purposes connected with and neces-

sary to the proper development and use of the deposits covered by the permit or lease."

In accordance with the provisions of this section the following regulations are prescribed, by which a permittee or lessee under the act may acquire the right therein granted.

1. Application may be made by the permittee or lessee identifying by serial number his permit or lease, setting forth in detail the specific reasons why it is necessary for the applicant to have the use of an additional tract of land for a camp site, refining works, or other purposes, connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

2. The application should contain a description of the lands by legal subdivisions, if surveyed, or, if not surveyed, by the approximate description thereof as it will appear when surveyed, for which the right of use is desired, together with a statement of the particular reasons why it is especially adapted thereto, either in point of location, topography, or otherwise, and that it is unoccupied, nonmineral land.

3. Use permits granted hereunder will be for indeterminate periods, dependent in that respect upon the existence of the permit or lease made the basis of the right authorized by section 25; upon the termination of such permit or lease all rights secured hereby will also cease and terminate, and such condition shall be expressly recognized and stated in the application.

4. No blank forms of application will be furnished to applicants hereunder, but they will be guided by the foregoing as to the essential requirements of the application, which will be verified by the affidavit of the applicant.

5. The rental of not less than 25 cents per acre must be paid the receiver of the proper local land office as soon as applicant is notified of the allowance of the permit, and a like sum each year thereafter in advance.

IV.

FORM OF USE PERMIT FOR CAMP SITE OR REFINING WORKS.

The form of use permit issued under section 25 of the act of February 25, 1920, will be in substance as follows:

THE UNITED STATES OF AMERICA,
Department of the Interior.

USE PERMIT.

Know all men by these presents, that the Secretary of the Interior, under and by virtue of section 25 of the act of Congress entitled "An

act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium, on the public domain," approved February 25, 1920, has granted to and does hereby grant to _____, the holder of _____, bearing serial number _____, the exclusive right, so long as needed, used, and occupied, to use, during the life of the aforesaid _____, the following-described tract of land, to wit: _____ for a camp site, refining works, and other purposes connected with and necessary to the proper development and the use of the deposits covered by the aforesaid _____, all rights hereunder to cease and terminate upon the termination of the aforesaid _____, and conditioned upon the payment in advance of 25 cents per acre for the area covered hereby.

In witness whereof I have affixed my signature hereto and the seal of the department this _____ day of _____, 19____.

Secretary of the Interior.

V.

REPEALING CLAUSE, ETC.

Repealing and saving clause.—Section 37 of the act provides that hereafter the deposits of coal, phosphate, sodium, oil, oil shale, and gas referred to and described in the act may be disposed of only in the manner provided by the act, "except as to valid claims existent at date of passage of this act, and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under said laws, including discovery." As to sodium claims, those claims initiated under the preexisting law may go to patent which, at the date of the act, were valid mining locations, duly made and maintained as such on lands subject to such location at the date initiated.

Fees and commissions.—(a) For receiving and acting upon each application for prospecting permit or lease filed in the district land office in accordance with these regulations, there shall be paid by the applicant a fee of \$2 for every 160 acres or fraction thereof in the application, such fee in no case to be less than \$10, the same to be considered as earned when paid and to be credited in equal parts to the compensation of the register and receiver within the limitations provided by law.

(b) Registers and receivers shall be entitled to a commission of 1 per cent of all moneys received in each register's office, to be equally divided between the register and receiver. Such commission will not

be collected from the applicant or lessee in addition to the moneys otherwise provided to be paid.

It should be understood that the commissions herein provided for will not affect the disposition of the proceeds arising from operations under the act, as provided in section 35 thereof; also that such commissions will be credited on compensation of registers and receivers only to the extent of the limitation provided by law for maximum compensation of such officers.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Approved May 28, 1920.

JOHN BARTON PAYNE,
Secretary of the Interior.

AN ACT TO PROMOTE THE MINING OF COAL, PHOSPHATE, OIL, OIL SHALE, GAS, AND SODIUM ON THE PUBLIC DOMAIN.

(Public No. 146, 41 Stat., —.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military, or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act.

[Secs. 2 to 22, inclusive, relate to coal, phosphates, oil and gas, oil shale, and Alaska oil proviso.]

SODIUM.

SEC. 23. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands

belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding two thousand five hundred and sixty acres of land in reasonably compact form: *Provided further*, That the provisions of this section shall not apply to lands in San Bernardino County, California.

SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with the rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each twenty-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining, methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit.

SEC. 25. That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE,
AND GAS LEASES.

SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him.

SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings.

SEC. 28. That rights of way through the public lands, including the forest reserves, of the United States, are hereby granted for pipe line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide

in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

SEC. 29. That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

SEC. 30. That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions

shall be in conflict with the laws of the State in which the leased property is situated.

SEC. 31. That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

SEC. 34. That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

SEC. 35. That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and for future production 37½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accru-

ing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however,* That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further,* That any royalty, oil, or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act.

Approved, February 25, 1920.

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